

# Notable British Trials

Alfred Arthur Rouse

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**Alfred Arthur Rouse**  
(Reproduced by courtesy of the *Daily Mirror*)

# Trial of Alfred Arthur Rouse

EDITED BY

Helena Normanton, B.A.

BARRISTER-AT-LAW, MIDDLE TEMPLE, AND OF THE NORTH-EAST CIRCUIT,  
AND OF THE CENTRAL CRIMINAL COURT, HON. MEMBER  
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*June, 1931*

DEDICATED TO THE DIRECTOR OF PUBLIC PROSECUTIONS  
E. TINDAL ATKINSON, Esq., C.B.E.,  
NOT ONLY AS A MARK OF RESPECTFUL ADMIRATION FOR  
AN EMINENT AND MOST COURTEOUS PUBLIC OFFICIAL,  
BUT ALSO AS A SLIGHT TRIBUTE TO THE EFFICIENCY  
WITH WHICH THE CROWN PROTECTS THE HUMBLE AND  
AVENGES INJURY TO THE POOR AND WEAK.



## PREFACE.

I HAVE to acknowledge with the utmost gratitude the great help I have received from the following gentlemen in writing the introduction to this case. The Hon. Mr. Justice Talbot graciously revised the text of his summing-up to the jury. Sir Leonard Kershaw, Master of the Crown Office of the Court of Appeal, most kindly lent me the transcript of the trial. The Director of Public Prosecutions lent me many more documents and photographs, and most generously did everything he properly could to aid me in other ways. Mr. D. L. Finnemore gave me much assistance, and both he and Mr. Norman Birkett, K.C., M.P., very kindly corrected the reports of their respective speeches. I would particularly draw attention to Mr. Finnemore's suggestions for the Memorandum to the Home Secretary as a most interesting and instructive document, which may be helpful to any member of the Bar ever needing to advise upon the drafting of a similar document.

My kinsman by marriage, Dr. W. A. Brend, of the Ministry of Pensions, and Lecturer in Forensic Medicine at Charing Cross Hospital, gave me careful guidance upon the medical evidence in the case and upon Rouse's official medical report; although perhaps, I ought to mention here that my theory that Rouse deliberately arranged the body of his victim so as to obtain the maximum amount of combustion possible is due solely to my own reasonings upon the evidence.

In addition to all that there was an immense mass of material about Rouse and others involved in this case which was unearthed by the diligence of the very competent staff members of certain newspapers. It would be difficult to enumerate all those who have given generous help, but perhaps I ought particularly to mention Mr. J. C. Cannell, of the staff of the *Daily Sketch*, Mr. Stanley Bishop, the principal reporter of the *Daily Express*, and Mrs. MacBride of the same newspaper, whilst the *News of the World* was lavishly generous with time and material.

I have also to thank Mr. Royston, the manager of Stewart Ardern, of 103 New Bond Street, the London agents for the Morris Motor Cars, for going through with me several technical points about the car and for most kindly assisting me by allowing a member of his staff, of similar dimensions to the burnt man, to demonstrate in a car of similar construction to the one Rouse used, the facts narrated in the confession. This was most helpful and convincing.

Mr. W. Fordyce Beardshaw, of the *Evening Standard*, gave most painstaking help about tracing illustrations, and to the proprietors of that newspaper are due thanks for their generosity in lending the photograph of Rouse in uniform. Mr. Bowker, clerk to Mr. Norman Birkett, K.C., has been very helpful, and Miss Elsie M. Cannon gave me valued secretarial assistance.

HELENA NORMANTON.

TEMPLE, E.C., *June*, 1931.

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# ALFRED ARTHUR ROUSE.

## INTRODUCTION.

### I.

IN the early morning hours of 6th November, 1930 (or, as most belated wayfarers would regard it, very late on Bonfire Night), two young men were returning from a dance at about 2 a.m. to their homes at Hardingstone, near Northampton. They were cousins, whose names were William Bailey and Alfred Thomas Brown. The weekly Thursday dance had been put forward from the 6th to the 5th to make it a celebration of the night dedicated to the Gunpowder Plot.

Hardingstone is a village populated by some nine hundred souls, an easy walk from Northampton, and to reach it the cousins had to walk along the Northampton to London main road until they came to a turning off it to their left, known as Hardingstone Lane. A motor car flashed by on the main road to London. After its sudden glare and noise the pedestrians just behind it, at the corner, must have been almost unnoticeable, and just as they were turning into that lane they observed two things almost simultaneously. A hatless man was apparently climbing from a ditch by the hedge almost on the corner of the road opposite to them, and a bright red glow was rising above the hedge some way up the lane in front of them. "What is the blaze?" Mr. Bailey asked his cousin. The man, who by that time had crossed over and was retreating just at their rear, as if answering him, said: "It looks as if some one has had a bonfire." They noticed that he spoke as if he were out of breath, and, curiously enough, after he had passed them.

The cousins walked homewards and onwards in the direction of the glare, while the hatless man continued to go in the direction of the main road. Looking round at him they observed that the man, having now reached the junction of the lane and the main

## Alfred Arthur Rouse.

road, did not seem certain as to his direction. He took a few steps to the right towards Northampton, then turned towards London, and hesitated in the middle of the road, and the last they saw of him was that he was watching them as they ran towards the huge bonfire whose flames were leaping some fifteen feet high. It would certainly have caused them great surprise if they had then realised that their fortuitous meeting with the hatless man was destined to be the strongest link in a chain of circumstances which was to bring that stranger to the gallows as the criminal participant in one of the most unusual and sensational crimes of modern times—the Blazing Car Mystery. In all probability it was that accidental encounter which caused the hatless man suddenly to change his entire plan. It happened to be so bright a moonlight night that his general appearance could be remarkably well observed, and, if need be, described, a fact which Alfred Arthur Rouse must instantly have realised. He had just left the scene of a calculated and diabolical murder, because of which an unknown man was at that moment being shrivelled up in the furnace of Rouse's lighted car. If, as has been widely thought, the burnt-up corpse was intended to be taken for his own, the appearance of a man at the material time, who could and would be described as having precisely his own style, clothing, and physique, would be a decided impediment to the success of the scheme. It might in consequence be difficult to ensure a general belief that it was the owner-driver of the car who had accidentally perished. The insurance company might be led to make close inquiries. The few steps taken by Rouse in the direction of Northampton were, one takes it, in continuance of his original plan, a flight north away from all old haunts. The hesitation and the return can probably be assumed to mark his rapid abandonment of that plan. The remaining four months of the life of Alfred Rouse were devoted to vain and pitiable attempts to escape the consequences of the holocaust he had made and the inevitable connection with himself, caused by the fact that Mr. Bailey and Mr. Brown turned into Hardingstone Lane a few seconds too soon to suit the affairs of Alfred Rouse. Luck had not been with him. If only he had lain down in that ditch so that they passed him unobservingly! If only he had realised that on the left of the near-side hedge was a meadow which he could safely traverse without leaving footprints, instead of mistaking it, in the moonlight, for a dangerous ploughed field, as he did! If!

# Introduction.

## II.

For the moment we will keep with Brown and Bailey. As they neared the blaze they saw that it framed a motor car around and in which flames were furiously leaping some fifteen feet high. Nothing was discernible inside the car. They ran on into the village; Bailey called out his father, who happened to be the village constable, and he brought along Police Constable Copping. By the time Copping arrived the flames had lessened to a height of five or six feet, so they all could approach nearer. Soon, by the light of Mr. Brown's electric torch, something like a ball could be seen, and as the flames lowered a body became visible, of which the "ball" was the head. Buckets of water were sent for, the fire was extinguished in about twelve minutes, and it was then seen that the car was almost completely burnt out. Police Inspector Lawrence was sent for, and careful observations were made of the state of affairs.

So much turned at the trial upon the exact position in which the charred corpse was found that it was a great misfortune that photographs of it were not, immediately daylight came, taken *in situ*. The matter was not altogether an easy one for the Northampton police to handle, for Hardingstone Lane is by no means so unfrequented a thoroughfare as its name would imply. It is a well-made road 18 feet wide, and traversed by five bus routes. According to a sort of traffic census taken between midnight and 1 a.m. on a night early in December, 1930, sixteen vehicles passed along the main Northampton—Newport Pagnell—Stoney Stratford lines; the lights of all of them were plainly to be seen from the spot at which Rouse's motor car was burnt. Naturally, the police would feel it desirable to clear away the car and debris from the road's metalled surface as soon as possible, and even stronger reasons would apply to the removal of so grim an object as the burnt corpse. Nevertheless, it was unfortunate that no medically trained witness even saw it before removal. In the absence of skilled scientific observation upon the point, the Court was thrown back upon the less precise observations of the police.

The evidence of Police Constable Copping (given from his recollection, not from notes) established that the corpse was face downwards, the head in the driver's seat, the trunk lying across the other seat. The right arm appeared to be stretched as if over the back of the passenger's seat, but was burnt off at the elbow. The

## Alfred Arthur Rouse.

left arm could not be seen before removal. The left leg was doubled up underneath the trunk. The right leg appeared to be extended, but was burnt off at the knee. A charred boot heel was found six inches to the left of the left-side running-board of the car, in a line with the driver's seat, lying out on the roadside, just on the edge of the grass verge. Apparently this police officer did not think at the time that the position of the body mattered very much. According to the depositions, he gave evidence at the Police Court that "the body did not quite look as if the person had been sitting in the passenger's seat and fallen forward into the driver's seat."

Police Constable Valentine, who arrived with Inspector Lawrence at 3.10 a.m., gave similar evidence, with a little more precision about the right leg—that it was extended where the running-board had been and was sticking out of the remains of the chassis about eight inches, with the foot burnt off at about the ankle. At about 3.40 the body was removed by the officers.

Inspector Lawrence, who had arrived on the scene at 3.10 a.m., corroborated Police Constables Copping and Valentine, but described the position of the right arm in a slightly different manner—it extended upwards to about the height of the back of the passenger's seat, but the back of the seat at that time had fallen away, the seat having been burnt down to the springs. The right leg had gone from about halfway between the ankle and the knee. According to this officer it was at 4.40 a.m. that the body was actually removed from the car. It was taken, wrapped in sacking, into the garage of the Crown Inn at Hardingstone, and later to the Northampton General Hospital.

It will be observed that of the three police officers who saw the body immediately after death, one saw that the right leg was burnt off at the knee, another that it had gone about halfway between ankle and knee, and the third that it had been burnt off at the ankle. Probably none of these witnesses had seen a similarly burnt body before, and each endeavoured to be as accurate as possible about a material thing foreign to his usual sphere of observation, a thing, indeed, which might not be too transparently plain to any non-medical witnesses. The discrepancies, however, add to a natural regret that neither a written note, photographs, nor immediate medical evidence were available later for the assistance of the Court and jury.

But up to this point there was nothing which should lead the

## Introduction.

police to conclude that a crime had necessarily been committed. To them it no doubt seemed that an accidental fire had occurred, which would certainly be followed by an inquest, and possibly by inquiries connected with the insurance on the car. They therefore removed the debris of the car from the road to the grass verge, and circulated a statement that the police were anxious to get into touch with a man aged between thirty and thirty-five, height 5 ft. 10 ins. to 6 ft., with a round, small face and curly black hair, wearing a light mackintosh, dark trousers, no hat, and carrying an attaché case. In the course of their inquiries every hotel and inn in Northampton was visited. No woman in that town was reported as missing. [It was at first thought that the body was that of a woman, for the fire had completely destroyed the external *genitalia*, and the heel was at first assumed to be that of a woman's shoe.]

The daily papers of 7th November, 1930, contained illustrations of the burnt-out car and the story of the hatless man; among them the *Daily Sketch*. Early in the afternoon of 6th November two plain clothes officers had called upon Mrs. Rouse at her home in Buxted Road, Finchley, having traced it by means of the registered number of the car, MU 1468, and had requested her to go to Northampton. These facts were common to all the press of 7th November.

It can be inferred that the police expected valuable assistance from Mrs. Rouse by way of identification of the parts of the debris. Accordingly, she went on 6th November, but was not allowed to see the charred body itself; and stated to the police (according to her interview as given in the *Daily Sketch* of 5th February, 1931) that "brace buckles and pieces of clothing . . . *might* be his" (*i.e.*, her husband's), after viewing what the police\* did show her.

### III.

In the meantime, where was Rouse? If he had gone straight into the Northampton Police Station directly after he had met Brown and Bailey and given a plausible enough narration of a distressing fire, it is not unlikely that he might be walking the earth

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\* Neither at the Police Court nor at the Assizes was Mrs. Rouse called as a witness. The statement taken from her by the Northampton police, therefore, never became evidence. The statement is now in the custody of the Home Office.



## Alfred Arthur Rouse.

to-day. He had missed *the* piece of conduct most conducive to belief in his innocence by trying to mislead Brown and Bailey into thinking it was a mere blaze consecrated to the infamous memory of Guy Fawkes, and by not requesting them to return and help him to put it out. His next best course would have been to report the event immediately to the police and the company insuring the car. Alternatively, he might have tried to carry out his presumed original plan and fade away, gambling on the chances against any conclusive identification of himself by means of any descriptions that Brown and Bailey could furnish. That would have involved going at once to some place where no one had ever seen him before.

But whilst the police were of necessity concentrated upon the car itself and its grim cargo, Rouse was consistently doing everything possible to ensure his own ultimate execution. He played the part neither of an innocent man nor of one carrying out his own guilty plan, but an extraordinary jumble of both.

At this point it becomes imperative to consider why Alfred Arthur Rouse should have felt it advantageous to set his own motor car on fire, and what possible benefit it could be to him for the world to believe he had been burnt to death in it. These points cannot be understood without going back upon the life story and love story of this extraordinary man.

Alfred Arthur Rouse was of Irish extraction on the maternal side, and was born on 6th April, 1894. He was the son of a respectable hosier of Milkwood Road, Herne Hill, and was one of three children. In 1900 the paternal *ménage* was disrupted, and Mr. W. E. Rouse placed his children under the care of his sister. Young Arthur Rouse was educated at a local Council school, where he gave promise of being a keen, athletic, courageous, and bright boy. When he left he learnt carpentry, and attended evening classes to study the piano, mandoline, and violin. He sang well, and, when adult, enjoyed a pleasing baritone voice, although his speaking voice was unpleasing, high-pitched, and unconvincing.

After a short spell as office boy in an estate agent's, young Rouse secured a position with a soft-furnishing goods house in the West end, where he remained for five years. He also became a sacristan at St. Saviour's Church, Stoke Newington. He enlisted for service in the Great War on 8th August, 1914, and was drafted as Private 2011 into the 24th Queen's Territorial Regiment. Before he was sent out to France he married on 29th November, 1914, a

## Introduction.

young woman clerk named Lily May Watkins, at St. Saviour's Church, St. Albans, he being then twenty and his wife twenty-three. He was sent to France on 15th March, 1915, and on 25th May, 1915, he was severely wounded in head, thigh, and leg by a shell-burst at Festubert, and was sent back. An operation was performed on the left side of his head, and for many months he was a war-shattered invalid. As a patient he was brave, uncomplaining, and cheerful. One of the hospitals where he was cared for was Harewood House, Yorkshire.

Eventually he returned to his wife, discharged in 1916 as no longer fit for active service. At this point the reader who wishes to understand Rouse would do well to peruse his medical record as given in Appendix I.

Up to this point in his life there is little on record but what is to the credit of Rouse, except that a son now being reared in Paris owed his existence to his sojourn there in 1915. But now a change appears. He obtained various outdoor employments, and, on the whole, constantly improved his position. Aided by a facile tongue and extremely good looks, he eventually became a commercial traveller, who at the time of his crime was earning approximately five hundred pounds a year. He had bought several motor cars in succession, and had become a skilled mechanic and driver. The life he led took him rapidly about the country and formed an ideal background for philandering with all the young women with whom a commercial traveller's life so easily brings him into contact. Tobacconists' assistants, shopgirls, probationer nurses in their recreation walks, chambermaids, and so on, readily fell victim to his plausible tongue, ingratiating manners, handsome appearance, and fantastic lies. He took scores of women for rides in his car, many to their undoing and everlasting regret. It has been calculated that nearly eighty women were more or less seduced by him—one says more or less, because when such a totality is attributable to one man, there is no doubt something is to be said about the readiness of the women in the case; and as Rouse himself dictated in a document he composed while awaiting trial: "It takes two to make a bargain."

Needless to remark, he was always an individual of some social prominence, according to his own account. He had been a major in the war. The absent mother, for whose caress he had so yearned as a boy (one of his most effective and pathetic touches in his

## Alfred Arthur Rouse.

numerous courtships), had reappeared in his fairy tales concerning his youth as a lovely flashing woman, clothed most exquisitely. He had naturally been at Eton and Cambridge, not at anything so ordinary as a local Board school. He was a superb practitioner in the art of telling the tale to precisely the type of girl whose greatest ambition is to marry a man a few grades above her class. So long as girls of that type read what they do read, think as they do think, and spin their fantastic daydreams, the Landrus, Mahons, Smiths, and Rouses of this life have scarcely more difficulty in finding victims than has a bee in choosing which flowers in a garden to alight upon. There seems to be one and only one country in Europe where women still guard their chastity as a jewel, and that country is certainly not post-war England.

As Rouse improved his circumstances, he removed from one place to another until finally, about 1927, he and his wife went to reside in a small £750-house they had begun to purchase in Buxted Road, Finchley. Whenever Rouse's occupation allowed him to be at home, he tried to beautify his house and garden. Like Mahon, whom he resembled in many ways, he soon became a popular figure in the little social circle of his neighbourhood; the hero of the communal tennis courts.

But Rouse and his wife had no children wherewith to gratify one passionate craving of his nature. However, as a result of his numerous amours, that omission was soon to be rectified, only too much so. In 1920 a fourteen-year-old Edinburgh girl named Helen Campbell had become a member of a household where Rouse was a frequent visitor, and by the time the girl was fifteen she had borne a child to him in a home for unmarried mothers. That child was born on 21st October, 1921, but unfortunately died when only five weeks old, after which the mother returned to her duties. Rouse renewed the association and Miss Campbell became pregnant a second time, whereupon Rouse, who posed to her as a single man, induced her to go through a ceremony of marriage which she believed valid and he, of course, knew to be bigamous. This marriage was at St. Mary's Church, Islington, and took place in November, 1924. After it the couple lived in Liverpool Road, Islington, where, on 22nd July, a son was born to them. To this child Rouse was a devotedly loving father. Throughout what she believed to be her marriage Miss Campbell maintained herself, but her acceptance of one position in a restaurant was not agreeable to Rouse; after a difference of opinion they parted, she keep-

## Introduction.

ing the boy. The position proving financially unsatisfactory, Miss Campbell was obliged to bring proceedings against Rouse for the maintenance of the boy, which she did at the Guildhall on 17th October, 1929, when an order was made for him to pay ten shillings a week. It is remarkable that at the hearing he not only readily admitted the paternity, but expressed great fondness of and desire for children. His payments on the order were, however, very irregular.

Subsequently it was arranged, after a meeting between Mrs. Rouse and Helen Campbell, that the boy should be reared, on certain conditions, in the Rouse home; and that in fact was the state of affairs at the time of the destruction of the car, so far as Helen Campbell was concerned. She saw her son occasionally, for Rouse motored him over to see her. The child was well and kindly treated by Mrs. Rouse, who did her best to make the little boy happy and to patch up the strange situation.

Early in 1925 Rouse became acquainted with a young local domestic servant, a Miss Nellie Tucker, then in a position at Hendon. She was a bright, humorous girl, aged seventeen, and Rouse added her to his retinue, taking her about with him to hotels. Naturally, he posed to her as a single man, and informed her that he lived in rooms in Gillingham Street, Victoria. He actually had an accommodation address at Gillingham Street for years, at which he received numerous letters. He promised Nellie Tucker marriage at the elusive date when trade should have improved. On 2nd May, 1928, a girl was born to Nellie Tucker, in respect of whom a second maintenance order was obtained against Rouse in November, 1928. Here again his payments were irregular. The child was put out to a foster-mother for a fee of twelve and sixpence per week.

On 29th October, 1930, about a week before the crime, Nellie Tucker gave birth to a second girl child by Rouse at the City of London Maternity Hospital, City Road, London. On the evening of the crime itself Rouse went to see Nellie Tucker soon after 7 o'clock and left her at 8 p.m. Nellie Tucker has subsequently described him as being very depressed and worried looking upon that occasion. He told her he feared he might lose his job, and seemed annoyed at hearing how soon she had to leave the institution; probably because he realised it would mean finding other accommodation for her more rapidly than he had been anticipating. It also appeared to Nellie Tucker that he had been keeping an

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anxious eye on the clock during the whole hour of his call, as if he had an appointment. "Are you meeting any one?" she asked. He looked at her vacantly and said, "No." He then confessed that he had so many things to pay that he hardly knew where to turn. Telling her that he had to go north that night on business, he left her.

Not only had he to go north, he had to go west, although poor Nellie Tucker did not know that, for another young girl in her teens, Ivy Jenkins, was lying pregnant and very ill in her parents' home at Gellygaer, in Monmouthshire. She, too, was expecting the birth of a child, and had informed her father, a colliery proprietor, that she had been for some months married to Rouse. Rouse had visited the house in the capacity of her husband, and had led all the family to believe that he had paid £1250 for a house at Kingston, which he had furnished beautifully for his bride. He was due on 6th November to take her to that home. Of course it was as non-existent as most of his other fables. But Ivy Jenkins, alas for Rouse, was not quite the friendless, isolated little girl he had hitherto been lucky enough to meet. She had a fond father and an affectionate brother. What might they say or do if he could not take her away to the promised home? Furthermore, he had added to his worries by inviting her sister Phyllis to come and stay with them at it for the first three months' residence in the Kingston home.

It is really difficult to conceive of any man of normal mentality wantonly getting himself into all this maze of difficulty by his unnecessary lies. But that was the position in which Rouse had placed himself at that moment. Other women then were in his life at Birmingham, Southampton, and elsewhere, but if their claims were insistent at this time not so much is known of the matter. There was a child in Paris and another in an English county. Broadly speaking, Rouse was rapidly approaching the point when his outgoings on his irregular *ménages* would utterly cripple him, to say nothing of the fact that he had to pay at the rate of £1 12s. per week on his car, and £1 7s. 6d. to his building society. He gave his wife £2 a week for housekeeping, and, whenever the child was with her, another ten shillings a week.

Mr. and Mrs. Rouse had been considering by November, 1930, whether they would sell their house and separate, he to make her an allowance. To all their friends they still appeared to be on good terms, a devoted couple. It would have been wonderful if Mrs.

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Rouse had not become disillusioned as a result of all her husband's infidelities. Helen Campbell and Nellie Tucker she knew of, and she had found Ivy Jenkins' photograph in her husband's pocket.

Nor perhaps was this monetary position the sum total of his troubles. It is obvious that a vain braggart, as Rouse was, boasting of his conquests to the other gentlemen of the road he would meet, was laying himself open, sooner or later, to the attentions of any blackmailer who might choose to take his affairs in hand. Miss Jenkins has recorded her conviction that such was indeed the case. All the women who had these tragic associations with him have agreed on one characteristic of Rouse—his over-weening vanity. Every one I have spoken to who had any dealings with him has testified to his excessive and boastful loquacity. He could not even pay an instalment on his car without boasting of his exceptionally unfettered conditions of employment. And like so many men whose morality with regard to women is degradedly low, Rouse was immune from the companionable masculine traits; his standards of non-drinking and non-smoking would have suited the late Mrs. Carry Nation beautifully. Other men had no use for him, a characteristic which should always put women on their guard in assessing wooers.

### IV.

Rouse, as he left the two men at the corner of Hardington Lane, had not only the blazing horror that he had quitted in his mind, he had all these other pressing worries to consider. It has been stated (see Appendix II) that his original plan was that after burning up the unknown man in his car, he intended to walk through Northampton and make his way to Scotland. There he might have lain concealed in the purlieus of the Glasgow of which he had probably heard plenty in his association with Helen Campbell, who had lived there in her childhood.

If he could only have obtained funds somehow from any source, he might have tried to get out to New Zealand or the South Sea Islands, places he had often praised to Ivy Jenkins. If he could not, but could disguise himself sufficiently, perhaps no place would have been a safer concealment than a different part of his own country. Gellygaer itself was certainly the most inaccessible of all the spots he actually frequented, and a timely local investment for a few hundred pounds, or even £1000, had been discussed and

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was open to him there. If he settled down in Gellygaer there would be little need to produce the beautifully furnished mythical house at Kingston.

Be that as it may, what he did choose to do was to make a hasty dash back to London by getting a lift in a lorry, and then an equally rapid charabanc trip to the home of Ivy Jenkins in Gellygaer.

Whilst in London, he went first to his home in Buxted Road, arriving about 6.20 a.m., and stayed there for something under half an hour. Rouse stated that he had no food at home, did not change his clothes, and that his purpose was "to tell my wife not to be worried" (answer to question 4231 of official transcript). He did not state in evidence what cause his wife, who was at that time peacefully in bed, should have had to worry more than usually about anything he might do. Later on in the day she would no doubt have plenty to worry her, but, if it had not been for a mistake she made about the time, at least she would have been spared, by her husband's considerate return, from any idea that he was not alive and well up to about 7 a.m. on the morning of 6th November, 1930—for she admitted having heard him come in,\* although she did not put the time as late as it in fact was.

Whether Rouse did or did not utilise this brief visit home to change his clothing was never formally proved. Owing to the fact that New Scotland Yard was not officially called in, the house was never searched nor was Rouse's complete wardrobe examined.

At Gellygaer he saw in the *Daily Sketch* of 7th November the account of the burnt-out car, his own description as the hatless man, and an account of his wife's visitation by the police and her alleged trip to Northampton. Realising that the minute

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\* It is, of course, very easy totally to misapprehend the time when one is awakened suddenly on a dark November morning; and to think, as Mrs. Rouse stated to the press on 5th February, 1931, that she thought that his return was about one o'clock at night, when it was in fact between six and seven in the morning that Rouse came home. Although the police called at her home later in the day and broke the news of the tragedy at Northampton to her, she described herself in that interview as still imagining that the fire had happened in the portion of the night still remaining after his departure—that is, of course, as she stated herself to have conceived the order of all these events. Before Mrs. Rouse left for Northampton on 6th November she said, according to a report in the *Daily Express* of 7th November, 1930, "I have had many conflicting messages. I do not know whether it is my husband who is dead in the car or not." According to the same organ, issue of 8th November: "Mrs. Rouse has informed the authorities she has had no word from her husband"; and from the point of view of her misapprehension about the time, of course she had not had any word of him by then.

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the Jenkins saw the paragraph about his wife, his whole position would be forever exposed in that family, he hastily left for London, again by motor coach. One of the men who had driven Rouse from Gellygaer to Cardiff was apparently not satisfied by Rouse's remarks about his car, and commented thereupon to a Cardiff journalist, who communicated with the local police. Before Rouse had even alighted from this last coach, two plain clothes officers were awaiting him, and invited him to accompany them to the Hammersmith Police Station; an invitation which closed the penultimate chapter of his story and effectively opened the final one. He who so loved rapid and constant travel was to make but very few more journeys—back to Northampton and Bedford; to and fro to the Assizes; and in the following March he was to see the Royal Courts of Justice, and to return to Bedford Prison, there to await a final journey.

### V.

The sudden appearance of the plain clothes men by the motor coach at 9.20 p.m. on 7th November on Hammersmith Bridge was no doubt a great shock to Rouse. Under its impulse he said: "Very well; I am glad it is over. I was going to Scotland Yard about it. I am responsible. I am very glad it is over; I have had no sleep."

At the Hammersmith Police Station Sergeant Skelly told him that the Northampton police desired to interview him, and Rouse replied: "I suppose they wish to see me about it. I don't know what happened exactly. I picked the man up on the Great North Road; he asked me for a lift. He seemed a respectable man, and said he was going to the Midlands. I gave him a lift. It was just this side of St. Albans. He got in and I drove off, and after going some distance I lost my way. A policeman spoke to me about my lights. I did not know anything about the man, and I thought I saw his hand on my case which was in the back of the car. I later became sleepy and could hardly keep awake. The engine started to spit, and I thought I was running out of petrol. I pulled into the side of the road. I wanted to relieve myself, and said to the man: 'There is some petrol in the can; you can empty it into the tank while I am gone,' and lifted up the bonnet and showed him where to put it in. He said: 'What about a smoke?' I said: 'I have given you all my cigarettes as it is.' I then went some distance along the road, and had just got my trousers up



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quickly and ran towards the car which was in flames. I saw the man was inside and I tried to open the door, but I could not, as the car was then a mass of flames. I then began to tremble violently; I was all of a shake. I did not know what to do, and ran as hard as I could along the road where I saw the two men. I felt I was responsible for what had happened. I lost my head and did not know what to do, and really don't know what I have done since."

Sergeant Skelly asked if he had rescued the attaché case he then had with him, and Rouse answered that he had seen the man's hand on it when it was in the back of the car, so he took it with him when he got out.

As the evening hours wore on, Rouse's thoughts must have become gloomier and gloomier, and at 1 a.m. there arrived Superintendent Brumby and Inspector Lawrence of the Northampton County Police. The superintendent cautioned him, and then there began that dread and dire proceeding for any guilty man, the taking of his voluntary statement (Exhibit 33.)\* Let a man have committed all the crimes of the Borgias, Nero, and Henry VIII combined, I should still feel a pang of sympathy for him at having to make a statement lasting from 1 a.m. at night till half-past five in the morning, even with one break for a cup of tea, in the dreary surroundings of a police station.

Substantially, however, Rouse's account remained the same—he was well out of sight of the car when on fire. He did not know how it got on fire. He had asked the man to pour petrol into the tank. There had been talk about a smoke just before he went away to evacuate. He could do nothing by the time he got back. Everything said or done or omitted afterwards was in consequence of his state of panic. If all the circumstantial evidence had corroborated, or, at any rate, not conflicted with, this story, it was one which should have been a defence ensuring a good sporting chance before the average jury. Every motorist has met the interfering fool in a car, and few of us have not encountered the smoker who is criminally careless about what he does with his cigarette and match ends. Any driver would naturally want to leave a car after a run from London to Northampton for the purpose alleged. All this was plausible. All this could have happened to any good-natured motorist who had given a stranger a lift.

Rouse had had nearly forty-four hours in which to think out this narration. Had he left it there, things might not have been

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\* See page 11.

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so bad for him. But after the completion of the statement (Exhibit 33) the officers brought Rouse back to Angel Lane Police Station at Northampton, where they all arrived at 9.30 a.m. on Saturday, 8th November. After breakfast he was detained in the office of Inspector Lawrence, and thought fit to ask that officer when the inquest was to be held on the deceased man. He was told at noon, and inquired whether his wife would be present, and asked if he could see her. On the inspector stating that he could do so later, Rouse made the following remarkable pronouncement:—

“She is really too good for me. I like a woman who will make a fuss of me. I don’t ever remember my wife sitting on my knee, but otherwise she is a good wife. I am very friendly with several women, but it is a very expensive game. I was on my way to Leicester on Wednesday when this happened, to hand in my slip on Thursday morning to draw some money from my firm. I was then going to Wales for the week-end. My harem takes me to several places and I am not at home a great deal, but my wife doesn’t ask questions now. I was arranging to sell my house and furniture. I was then going to make an allowance to the wife. I think I should clear between £100 and £150 from the sale.”

This speech, given in evidence by the inspector at the Police Court proceedings on 16th December, 1930, undoubtedly helped to seal the fate of Rouse. Next day all over the country there were newspaper placards on which there prominently figured the words **HAREM** and **ROUSE** in varying arrangements. From that moment the accused was accurately, but from the purposes of an unbiased trial unfairly, branded as a callously immoral man; one who, in the judgment of that man in the street who ultimately so often becomes the man in the jury box, richly deserved a hanging anyhow, and was just the sort of villain who could be relied upon to burn up his car and an out-of-work passenger in order to defraud insurance companies and stage his disappearance from his seduced victims.

Before elaborating this point, it will perhaps interest the reader to learn that Mrs. Rouse was allowed to see her husband quite shortly after this utterance. He entered the room crying, and embraced her affectionately. Not, one feels, in the least hypocritically, for he was in that dire plight when any familiar face would be a godsend. He told her not to worry, all she could do was to pray for him and sell the home, as they had in fact intended,

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in order to provide funds for his defence. Rouse, invariably kind to women on little points, then asked the superintendent if his wife could have the 6s. 3½d., which was all he had on him. Manlike, he then requested her to buy him two books and an ounce of John Cotton tobacco, so that in fact the poor lady had only her bare fare to London, and had to walk from the terminus to her home in Friern Barnet.

She did in fact sell the home and went to work as a shop assistant in Northampton in order to maintain herself near him during his last few weeks on earth. Her conduct showed a high degree of courage.

### VI.

On the 9th, 10th, and 27th of November and the 15th and 16th December, 1930, Rouse was brought before the bench of Justices of the Peace for the County of Northampton, their chairman being Mr. John B. E. Campion, J.P. Mr. D. L. Finnemore, a member of the bar located at Birmingham, appeared for Rouse, instructed at first by Mr. Lee Roberts, who later was associated for the purposes of this defence with Messrs. Darnell & Price, a well-known Northampton firm of solicitors. Mr. G. R. Paling appeared on behalf of the Director of Public Prosecutions. No less than six witnesses were proffered in connection with the details of Rouse's private life—Helen Campbell, Nellie Tucker, Mary Teresa Casey, William Jenkins, Phyllis Maud Jenkins, and Inspector Lawrence. Mary Teresa Casey was a sister of the City of London Maternity Hospital. William and Phyllis Jenkins were the father and sister respectively of Ivy Jenkins, who was herself too ill to be present. Inspector Lawrence, *inter alia*, deposed to the notorious "harem" speech.

There has been voluminous and detailed criticism upon the admissibility of this portion of the evidence for the prosecution. Sir Patrick Hastings, K.C., naturally made the most of the point when appearing for Rouse before the Court of Criminal Appeal. By the course adopted by the prosecution, he argued, that man's character had been blazoned abroad in such a way that by any one having an even moderate view of the duties of citizenship, Rouse's career must have been regarded with utter horror.

Sir Patrick further argued that, at the Police Court, Mr. Paling had opened in his speech matters which were absolutely dreadful



**Burnt car on Hardingstone Lane**  
**(Exhibit No 4)**

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when considered in connection with, firstly, that the whole principle of our law is that evidence as to character must not be adduced against a prisoner upon his trial; and, secondly, that we live in a world where the assistance of the press is so afforded that the unsavoury elements in a man's life shall be given the widest possible publicity. . . . If that evidence had been put against the prisoner at the Northampton Assizes, the Court of Criminal Appeal could not have permitted a trial such as that to stand. Sir Patrick continued that he suggested that it was infinitely worse and more dangerous to have such evidence at a Police Court opened, objected to (as, of course, it had been by Mr. D. L. Finnemore), pressed, admitted, and, of course, read everywhere. Every member of the jury knew every item of it, but what was the defence to do? Deal with it as if offered? The man had in fact been tried, only in a worse way—as if prejudiced. A characteristically dry query by Mr. Justice Avory as to how a prosecution could be blamed for introducing a statement by a prisoner indicated his opinion of the matter; whilst a question later on put by the Lord Chief Justice to the learned counsel for the Crown (Mr. Norman Birkett, K.C., M.P.) indicated an opposite view-point. The Lord Chief Justice asked: "Is it not unfortunate that evidence as to character should be given at a Police Court which is inadmissible at a trial?"

The answer of Mr. Norman Birkett, that the Crown had decided not to call that evidence, did not go so far in answering the question of the Lord Chief Justice as the next observation made by Mr. Justice Avory, who commented: "If an accused person introduces detrimental matter, it is impossible to say that he may not have some motive in introducing it." Mr. Norman Birkett developed this point by saying that the evidence (*i.e.*, of the harem speech) could have had relevance as explaining Rouse's movements up and down the country. The words: "My journeys take me . . . my harem is very costly . . .," however damaging, might have meant to explain a movement at night. The other evidence (*i.e.*, as to illegitimate children) might have been relevant upon the desirability of disappearance. (In other words, upon the motive for the crime.—Ed.)

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The attitude taken by Mr. Norman Birkett at the Assizes was that the Crown, after anxious and prolonged consideration, had decided to omit the evidence of Helen Campbell and Ivy Jenkins,

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and to offer evidence from Nellie Tucker of only a very formal nature, viz., her name, address, occupation, the fact that she had known the prisoner for about five years, and that she had seen him last on 5th November at the Maternity Hospital,\* that he had come about 7.5 and left at 8 o'clock.

The depositions thus dealt with were as follows:—

THIS DEPONENT HELEN CAMPBELL on her oath says:—I live at . . . . . and am a waitress. I first met the accused in 1920. I gave birth to a child on October 21st, 1921. It only lived five weeks. On July 22nd, 1925, I gave birth to another child, a male. The accused is the father. On October 17th, 1929, I obtained an order in respect of that child at the Guildhall Police Court against the accused. He made payments to me in respect of that child. They were irregular. In the summer of this year I parted with the baby to the accused on certain conditions. The child went to . . . . . where I saw it on several occasions. After the arrest of the prisoner the child came to live with me and is still with me.

HELEN CAMPBELL.

THIS DEPONENT NELLIE TUCKER on her oath says:—I live at . . . . . and am a domestic servant. I have known the accused for getting on for five years. I gave birth to a child on May 2nd, 1928. The accused is the father. He has contributed towards the maintenance of the child but not regularly. The last payment he made to me was November 1st this year. In November, 1928, I obtained an order against him for the maintenance of the child. This was at the North London Police Court. On October 29th this year I gave birth to another child at the City of London Maternity Hospital, City Road, London. The accused is the father of that child. I last saw accused on November 5th. I was then in bed at the Maternity Hospital. He came about five minutes past seven in the evening and left at eight o'clock.

*Cross-examined*—I continued to be friendly with accused after the birth of the first child. At the Police Court he admitted paternity and offered to pay 10s. a week. I went to the Court because at that time I was in an institution and was told I must go to the Court to get an order.

NELLIE TUCKER.

A statement had been taken from Miss Ivy Jenkins, but she was not actually called at the Police Court because of the state of her health, so that her statement does not appear in any part of the public record of the trial.

It will be observed that this almost complete withdrawal of evidence by the Crown, as to the immoral character of the prisoner, cut short the need for any discussion as to whether the evidence itself was or was not admissible. It is rather a pity, from the point of view of the student of law, that the matter was not fully argued. A certain amount of confusion arose in the public mind,

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\* Upon the suggestion of Mr. Justice Talbot these words were not given in evidence. "The City Road, London," were substituted.

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and it was too hastily assumed in certain quarters, even in legal journals, and by barristers corresponding with lay newspapers, that there had been a judicial ruling that the evidence in question was in fact inadmissible. No such ruling was ever given.

The views which Mr. Justice Talbot did express upon the admissibility of Nellie Tucker's evidence in the course of a short argument were:—

(1) That its only relevance was possibly as to the pecuniary position of the prisoner and as to the date.

(2) If, as Mr. Finnemore contended, it had no connection whatever with the alleged affair at Hardington Lane, that would be an absolutely sufficient ground of legal objection.

(3) As to the wide publicity given in the Court below: "I cannot help that." But the learned judge requested that the discussion then proceeding should not be reported in the press.

(4) As to the calling of Nellie Tucker to prove anything at all, "I should think you would ask her as little as you can. *The jury cannot help forming some conclusion.*" (Italics mine.—Ed.). In the course of the short argument, Mr. Norman Birkett remarked: "It was thought at one time—and I express no view—that it might be relevant upon the question of motive."

It seems to the writer that it was a pity to put Nellie Tucker into the witness-box at all. To hear her name called would recall to the minds of the jury all the prisoner's irregular relations with women. The jury were, of course, sent to their room during the above discussion, but what can any one suppose they would be talking about during their retirement but the prisoner's relations with various women thus brought to their recollection?

If motive had been abandoned by the Crown in connection with this witness, a date was all she could legitimately give, and there never was any dispute as to the date when Rouse left London, nor was there any remarkable conflict about the time of his departure from his home, which he himself placed at about 9.15 p.m. The prosecution having verified for their own satisfaction that he was in the City Road, London, until about 8 p.m., seem to have called Nellie Tucker somewhat needlessly. It would have been otherwise if Rouse, among the innumerable lies he had told, had inaccurately stated that he began his journey at some hour before 8 p.m., so that Nellie Tucker's evidence was necessary to disprove that time. It is very difficult to see how her evidence advanced the Crown's case at all at the Assizes, once the Crown had abandoned the aid

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of all Rouse's mistresses as relevant to motive. The earlier Rouse began his journey from London the worse it was for him, because it left too much time to make the four-hour journey to Northampton look a normal and ordinary one. He took, on his own chronology, two hours from Tally Ho Corner to Markyate, a distance of some twenty miles. What was happening in that two hours? Presumably a good deal more than just the mere drive which was all he thought fit to admit either in examination-in-chief or in cross-examination; even if a slow one to bring his crime within the small hours. Unless the Crown wished the jury so to infer, the positive evidence of the journey could have rested on P.C. Lilley's encounter with Rouse's car, amplified by Rouse's own voluntary statement.

Upon the technical side of the question whether Rouse's immoral career was admissible or not to prove motive, the general rule is, of course, that nothing may be given in evidence which does not directly tend to the proof or disproof of matters in issue. The leading case is *Makin v. Attorney-General for N.S.W.*, [1894] A.C. 57, where it was laid down that—

“The mere fact that evidence adduced tends to show the commission of other crimes does not render it inadmissible if it be relevant to an issue before the jury, and it may be so relevant if it bears on the question whether the acts alleged to constitute the crime charged in the indictment were designed or accidental, or to rebut a defence which would be otherwise open to the accused.” Neither on the true construction of sec. 423\* of the Criminal Law Amendment Act of 46 Vict. c. 17 (New South Wales) is a higher Court empowered to affirm a conviction where the evidence submitted to the jury was inadmissible and may have influenced the verdict. (Merely formal matter not bearing directly on the guilt or innocence of the accused is an exception to this.)

“It is undoubtedly not competent for the prosecution to adduce evidence tending to show that the accused had been guilty of criminal acts other than those covered by the indictment, for the purpose of leading to the conclusion that the accused is a person likely from his conduct or character to have committed the offence for which he is being tried.”

The very case (*Makin, &c., cit. sup.*) which lays down these clear principles also lays it down (at page 65) that it “may be

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\* The words of the section of this Act (46 Vict., No. 17) have been taken exactly from Rule 48 of the Judicature Act, 1873.



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often very difficult to draw the line and to decide whether a particular piece of evidence is on the one side or the other," and that the decisions have not always been completely in accord.

It is perfectly obvious in Rouse's case that the prosecution was first of all drawn into a certain sphere of ideas because Rouse himself volunteered the facts that he had a harem, that he found it expensive, and that he travelled about a lot. The police inquiries naturally instituted thereupon proved that Rouse's boasts were true. At this point before the Police Court proceedings there was painstaking consideration by the Crown whether or not to proffer evidence as to his adulteries, and a positive decision was reached. Later there was a second consideration before the trial itself about using this mass of evidence at the Assizes, and then there was a change in the course adopted, for it was decided not to use it. This was unfortunate for the defence. After all, the gravest charge but one known to our law, one of those involving the capital penalty, was hanging over the accused, and the effect of the pitiless publicity of our Police Courts is irrevocable and well known. The change, of course, made things very hard for the defence.

There obviously had been the initial idea of using this evidence about women to prove motive; also Mr. D. G. Kennedy was called at the Police Court to prove that Rouse's car was insured as from 18th July for £1000, payable in respect of the death of a passenger in the car, or of the owner if driving it at the time, which appears to go in the same direction, namely, the Crown's desire to prove the motive of Rouse's pecuniary position, needs, and financial possibilities. Moreover, in opening the case in the Police Court, Mr. G. P. Paling, after an objection by Mr. Finnemore, said:

"It is the duty of the prosecution to prove intent. The suggestion of the prosecution quite frankly is that Rouse intended to murder this unknown man and intended that the body should be mistaken for his own." (15th December, 1930.)

The magistrates retired, and later announced that evidence would be admitted in view of the motive suggested.

According to another report (30th November, 1930), Mr. Paling had previously also observed:

"It is not my business to prove motive, but this is the case of a man who was paying money to a number of women on orders of the Court which had been made against him, and only a few days before an increased burden was likely to be placed on his shoulders.

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"He was a married man who was paying court to more than one woman other than his wife, and it might well be that he would have a wish to disappear and so unburden himself of liabilities pressing upon him. He had very little money, and was going to Leicester to get an advance from his firm. It is possible you will draw the inference from the facts that it would be no great inconvenience to him if that body had been mistaken for his, and it was thought he had been found burnt in the car."

It is also obvious that if the Crown had adhered to these tactics at the trial, the prosecution would have been closely pinned down to this alleged pecuniary motive for the crime, and presumably there would have had to be a decision whether to allege simply that Rouse would profit sufficiently by disappearing from his wife and his women friends, Campbell, Tucker, and Jenkins, or whether he was a member\* of some further wonderful conspiracy with some unnamed person whereby to obtain the £1000 insurance because of a death in the car. If the jury had disbelieved this motive or these motives there would have been a weakening of one large part of the case. It is plain that there must have been consideration of all this as a matter of tactics, and that there must have been detailed consideration to see whether the case was not strong enough to obtain a conviction against Rouse merely on the combination of all the circumstantial evidence, plus the direct evidence his conduct in itself had afforded. There would also be the risk, by no means negligible, of a judge ruling that the evidence of bigamous adultery was in fact inadmissible, which would naturally involve either a reshaping of the Crown case during its very progress, or else going into Court with two alternative schemes in hand for conduct of the case. Even had the evidence been ruled admissible—it was one of the cases where it was "difficult to draw the line"—the jury might have taken an adverse view as to the fairness of such tactics against a man accused of murder, and counsel as able as Mr. Finnemore would undoubtedly and justifiably have used that atmosphere and argument up to the hilt.

The fact that Rouse had gone to Ivy Jenkins the day after the crime would have made the disappearance motive not easy to prove

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\* The lay reader may find useful the reminder that conspiracy cannot be proved against a single accused person, but that all conspirators must be indicted and tried together.

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to a jury. The prisoner's own change of plan made the task of the prosecution extremely complicated.

It is curious that both prosecution and defence had their difficulties increased by midway changes of plan!

The crime was a peculiarly revolting one, where it was important to prosecute to conviction, if the accused were indeed guilty. The Crown, therefore, wisely withdrew the evidence of arguable admissibility, and relied solely at the Assizes upon unquestionably admissible evidence. The jury's verdict probably demonstrated that that course could have been followed safely all along.

For what little it is worth, it is my view that the "harem" speech, given the circumstances in which Rouse uttered it, neither denoted motive nor explanation of Rouse's night ride. He always consistently offered one, and only one, explanation of the only night ride that was before the Court, that he was going to Leicester to his firm to collect commission due to him, and this was adopted by the Crown. His remarks were the aimless bragging of a petty Don Juan, and illustrated only his incessant vanity, and the fact that out of the fullness of the heart the mouth speaketh. His loquacity was unconquerable, and he had to speak about something. That was all.

Such difficulties as the application of the principles of the Makin case are not confined to the case of Rouse. The question is really whether any method of public investigation at the preliminary stages of a crime, by a lay tribunal accompanied by full press reports, is not often gravely unfair to an accused person, and whether the whole system is not ripe for improvement.

Some would-be reformers have suggested the exclusion\* of the public from Police Court proceedings of this nature. Others the exclusion of reports of such in the press. A third school of thought advocates the adoption of either the French or the Scottish systems of preliminary inquiry whereby juries can hear nothing until the case is opened at the Assize Court.

Our present system is certainly open to the comment that inadmissible evidence may be tendered before a lay tribunal, and can be reported sensationally all over the country, so that an unbiased jury may become practically unobtainable.

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\* There is some doubt whether this exclusion of the public is or is not possible under the Indictable Offences Act of 1848. In the House of Lord discussion upon the Rouse Case (29th April, 1931), Lord Darling expressed the view that exclusion was possible under that Act.

# Alfred Arthur Rouse.

## VII.

At the trial before Mr. Justice Talbot the evidence against Rouse fell into three main divisions, in order to prove :—

1. That the car was burnt by design, not accident.

2. That the position of the body indicated a greater consistence with a guilty course of dealing with the unknown passenger than an innocent course. Parallel with this evidence about the body there was tendered other evidence about a mallet found fourteen or fifteen feet in front of the car, with dirt dried upon it, in which dirt a few hairs were embedded.

3. That Rouse's whole course of conduct after the blaze was more consistent with guilt than with innocence.

The task of the defence, most ably but not successfully performed by Mr. D. L. Finnemore and Mr. A. P. Marshall, was to shake this evidence as far as possible in cross-examination, and to adduce whatever evidence they could from Rouse and certain other witnesses to controvert the testimony adduced by the prosecution.

The evidence relating to the burning and the body was in the main circumstantial; but, upon the subsequent conduct of Rouse, direct. After the verdict there were about the usual number of public deprecations of the verdict because of circumstantial evidence; and the usual evidence was furnished by a section of the press to adorn the thesis that the great cogency of circumstantial evidence is still misunderstood and underrated by the lay mind. In a brief introduction it is impossible to traverse the whole of the evidence in a trial whose verbatim transcript amounted to some quarter of a million words, but a single comparison of the two classes of evidence may be useful. For the circumstantial, the reader may be referred to the fusing of the windscreen frame in two places. Colonel Buckle deduced from that the existence of a continuous, consistent pressure of flame from a point beneath it, lasting for several minutes, such as could only be sustained from a continuous supply of petrol to feed it; and from that continuous supply and the fact that the petrol tap was found loose by one whole turn, he deduced that the petrol had been deliberately fed to the flame by leakage from the union at that point. The evidence adduced by the defence to the opposite effect is of great interest, but whichever theory the jury might choose to adopt would be in the last resort a matter of science, technique, or experience. The

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point was one which could be dealt with only in the light of science. Take in contrast to that the fact that Rouse lied about the destroyed car to every single person he met on the road between Hardington and London, in London, and on his journey to, from, and in the home of Ivy Jenkins in Wales. His explanation of the lies was purely psychological—he did not want to be bothered about explaining a complicated matter to miscellaneous people. It will be obvious at once that it is far easier to invent a further lie of that description than to invent a scientific hypothesis to account for the physical fact of a fused windscreen, a hypothesis which might have to stand the strain of experiment to see if it would hold good, whereas no one could experiment with Mr. Rouse's modes of thought.

We can all make a fair inference or two from the trout in the milk jug, but no one can pierce into the mysteries of another human being's mental processes and preferences and be certain that he has ascertained them beyond all doubt.

In the Rouse case, circumstance after circumstance dumbly pointed, and practically all pointed in the one direction—the guilt of the driver of the car. No one piece of evidence was conclusive by itself. A good many admitted of possible alternative explanations. No doubt the jury tried to add together all these possible alternatives to see if they could make the one broad alternative of innocence ring true. The unknown chance passenger who in the course of lighting a cigar managed to set a car ablaze whilst its owner was many yards down the lane relieving himself—and that the latter, alarmed by the event, went into too complete a state of panic to bring any assistance and fled from the scene, as if a complete stranger to it all—that was the broad alternative which the jury had to consider, and which the defence invited them to accept. But would all the circumstantial details fit into it? The jury, after a singularly fair summing-up, found themselves unable to adopt it. The fact that a good two-thirds of the evidence was circumstantial in no way weakens the moral effect of their verdict. The occasions when relevant circumstantial evidence is unimpressive are those where it can have come about by accident, or been manufactured in order to divert suspicion from the guilty to the innocent, as when Lady Macbeth demanded :

What cannot you and I perform upon  
The unguarded Duncan? What not put upon  
His spongy officers, who shall bear the guilt  
Of our great quell?

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And Macbeth replied :

Will it not be received  
When we have mark'd with blood those sleepy two  
Of his own chamber and used their very daggers  
That they have done't?

In Hardington Lane there was no one ever associated with the crime but Rouse and the unknown victim. The victim could hardly have encompassed his own death in order to embarrass and incriminate Rouse. Duncan did not kill himself to find the blood wherewith to smear the wretched grooms. The dirt-stained mallet well illustrates the accidental type of irrelevant circumstantial evidence.

## VIII.

The evidence that the car was burnt by design and not by accident is worth careful study.

As the design of the Morris Minor car may change whenever its manufacturers think advisable, and as interest in this case may well outlast the present design, it may be useful to outline very simply the general plan of the petrol supply and control of the car of 1931. To begin with, petrol is supplied through an orifice near the middle rear of the bonnet into a petrol tank which lies behind the dash-board, when viewed from the position of the driver. This tank will hold about five gallons. When the petrol is turned on from the tank behind the dash it flows by gravity through the petrol pipe and filters to the bottom of the float chamber of the carburettor (or gas-supplier). The carburettor is at the near-side of the engine block, roughly about midway along it. Thence the petrol flows through another small filter and a small orifice into the float chamber of the carburettor. Within the float chamber there is a hollow metal float, through the centre of which a hollow needle passes vertically. The float chamber has a circular lid held on to it by a spring clip. If this clip be pushed off the lid, and the lid removed, with it there will come away the needle valve, the float, and also some balance weights. As the petrol comes in at the bottom of the carburettor the float rises, and as it rises it comes into contact with these balance weights, with the result that the needle valve becomes depressed on its seat, and so the flow of petrol into the float chamber is cut off.

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From the bottom of the float chamber projects a connection to the carburettor body. In the carburettor body the petrol is mixed with air and diffused into a fine vapour. It is this vapour which eventually is ignited and exploded in a multitude of weak, successive explosions which are used to cause the pistons to slide up and down inside the cylinders. As a piston goes down the cylinder, it acts like a pump and draws in a charge of gas from the carburettor. When both valves are shut in the piston, and the piston is at the top of its upward stroke, the gas is at the utmost point of its compression. At this moment an electric spark leaps the gap between the points of the sparking plug, the compressed gas is ignited, explodes, expands, and drives the piston down the cylinder. This motion is used to turn the crankshaft round, a process which ultimately causes the revolution of the wheels of the car.

A petrol gauge on the dash-board indicates to the driver the amount of petrol still unused. It is about one-third of the way along from the left-hand side of the dash-board.

The main petrol tap is just to the left hand of the centre of the extreme front sloping floorboard, and it is at the top of the sloping board so that it can just be touched by a passenger's right boot-toe if he pushed his foot forward, somewhat upward and somewhat outward to his right; but the hand-brake lever and gear lever are so placed that it is hardly a comfortable, probable position in which to find the foot of a passenger of normal length of leg. The main petrol tap is a two-way tap, one flow being to the reserve supply in the tank, the other flow to the petrol in consumption.

It is hoped that this simple explanation will have made it clear that, assuming a Morris Minor car's engine not to be running, and assuming also that some ill-disposed person wishes to set the car on fire deliberately, there are three places where direct contact may be made with the petrol in the car, not counting any loose cans carried. The first place to find naked petrol would be by unscrewing the cap on top of the tank at its normal inlet. The second would be to unscrew the nut around the main petrol tap under the dash-board, so that petrol would weep or leak from around the joint on to the floorboards and mat, and around the gearbox and through the junctions of the boards on to the road. The final place in which to make contact with naked petrol would be by taking off the lid of the carburettor, with which would

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come away the needle and float. As the carburettor is under the bonnet on the near-side, it would be necessary to lift the bonnet up on the near-side before doing this, and then push aside a clip holding the top on to the carburettor itself.

It is necessary to ignite petrol before it becomes admixed with air, if an explosion is to be avoided, as every user of a blow-lamp well knows; and a person applying a naked flame directly on to the petrol at any of these three places in a car would stand a good risk of singeing his clothes or person, if not more than that. Now, a man desiring to set alight a human being in a car would not desire to provoke simply an explosion, because the whole corpse, relatively uninjured, might be blown away, and the whole car be more disintegrated than burnt, perhaps hardly burnt at all. Our calculating villain would be after a flaming fire of sustained consistency, lasting several minutes, in order to char beyond recognition a human body, which, after all, consists mainly of water, and is not an easy thing to consume without a fire of enormous temperature.

In the confession published in the *Daily Sketch* of 11th March,\* 1931, Rouse described how he first killed (or made unconscious) the unknown man by strangling him:—

Then I got out of the car, taking my attaché case, the can of petrol, and the mallet with me. I walked about ten yards in front of the car and opened the can, using the mallet to do so. I threw the mallet away and made a trail of petrol to the car. I took the mallet away with one purpose in view. Also I poured petrol over the man and loosened the petrol union joint and took the top off the carburettor. I put the petrol can in the back of the car.

I ran to the beginning of the petrol trail and put a match to it. The flame rushed to the car which caught fire at once. Petrol was leaking from the bottom of the car. That was the petrol I had poured over the man and the petrol that was dripping from the union joint and carburettor.

The fire was very quick and the whole thing was a mass of flames in a few seconds.

The prosecution had not the advantage of this confession—obviously a substantially true one—and their experts had to deduce backwards from the remains of the car how to account for its condition at the first moment of being burnt. Nothing, of course, would remain of a trail of burnt petrol along a road, so that was one of the things it would be hardest to presuppose. Colonel Buckle, an eminent fire assessor called by the Crown, came wonderfully near to many other causes of destruction in his evidence,

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\* See Appendix II.



## Introduction.

concentrating most upon the petrol union joint, whose looseness he could not dissociate from deliberate manipulation. He was not quite so "warm"—as children say in their games—upon the carburettor during his own appearance in the witness-box, but he got on to it eventually, and in a most interesting way.

A spectator who was seated near Rouse throughout the trial has informed me that throughout the examination-in-chief and cross-examination of Colonel Buckle, whenever the carburettor came up, Rouse stiffened the muscles of his leg into a marked condition of tension. It was not the evidence about the petrol union joint which worried him much, but whatever might come out about his carburettor. Why? Presumably because petrol union joints may weep or leak accidentally, but a carburettor top cannot come off accidentally. It has to be undone for that. Therefore, a conclusion by Colonel Buckle that the carburettor top had been deliberately taken off would sign Rouse's death-warrant, if the jury accepted it as a fact.

In his evidence-in-chief Colonel Buckle gave a certain amount of evidence about this carburettor. He said it had "fallen" off the engine block through the melting of the carburettor body, and had also "fallen away from" the petrol pipe union which went into the bottom of it. The metal in the carburettor had fused. It was composed of an aluminium alloy, and aluminium would fuse at 1200 degrees Fahrenheit. Colonel Buckle also thought that the petrol tank supplying it was nearly full when the fire started.

In cross-examination Colonel Buckle carried his theory about the carburettor somewhat further. He had found it surprising that the lower water joint near it was so completely burnt, but did not accept Mr. Finnemore's theory that that water joint had been sprayed with petrol from the carburettor, as a result of the carburettor top being blown off. Colonel Buckle thought that the continuing fire, from the open carburettor end of the petrol pipe after the carburettor had more or less disintegrated, and its float and valve had ceased to function as such, accounted for the burnt-out lower water joint. This, of course, could have been the case, but in fact was not, as Rouse very well knew, and such a theory would be only comforting to him. The off-side front tyre was not burnt, which Colonel Buckle ascribed to the fact that the carburettor-fed fire was on the near-side of the engine; and also to the direction of the wind.

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In re-examination, the Crown's expert further explained that he thought it very unlikely that the carburettor top would be blown off, because there was a very small space in the carburettor chamber that was filled with a very large float that very nearly filled it. There was one air leak through the needle, and another air leak to prevent getting an air lock, and those were quite enough to affect the pressure, so that one would not get the explosive condition inside the carburettor which would blow off its top. Still, on the assumption that the carburettor top had "melted" and "fallen" off, Colonel Buckle reasoned that there had been a fire in the space surrounding the carburettor from a *leakage* of petrol there.

The foregoing remarks are mere brief pointers to the evidence of Colonel Buckle concerning the connection of the carburettor with the fire, all of which merits close study. It will be remarked that he did not suggest for the Crown that the carburettor top might have been deliberately removed. But all the while that this highly capable and astute witness had been testifying for the Crown, he had been watching the reactions of Rouse to his evidence, and from the fact that the prisoner seemed not too much disturbed by it, Colonel Buckle was led to ruminate critically upon his own chain of reasoning. After he had left the box a further possibility occurred to his mind, namely, *that Rouse had deliberately removed the top.*

[For the benefit of any one not familiar with this carburettor, it may be explained that if the top be taken off and petrol is pouring into it by gravity through the pipes leading from the tank, the float chamber, deprived of the float which has come away with the top, rapidly fills, overflows, and continues to overflow whilst the supply of petrol lasts.]

Naturally, the Crown's car-fire expert would be bound to suggest this hypothesis to counsel for the Crown. If Rouse should go into the witness-box—as in fact he did—it could be put to him, quite fairly, in cross-examination, although it had not been produced by the Crown as part of its evidence for the prosecution. Although quite fair, it would come as an unpleasant surprise for those defending him, and would enormously increase their difficulties. This new point, the removal of the top by hand, was put to Rouse, and it was remarked by those present in Court how he blanched when the actual carburettor from his car, Exhibit No. 45, was handed up to him.

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This one fragment of the case alone illustrates the "cruel kindness of the law" in the oxymoronic phrase of Mr. Justice Talbot, in allowing an accused person to give evidence, as it has done since 1898. Rouse was here to be tested upon a deadly part of the evidence against him, and that by one of the greatest cross-examiners at the English bar.

Upon the whole, he did not come out of this too badly from the scientific point of view—in fact, he must have audaciously come rather near to indicating the exact course he took. If anything he showed too much knowledge.

The petrol from the carburettor could be lit from a person standing in the road?—Yes, but you would get a flash in any case, and a very bad flash indeed with this amount of petrol in there (indicating the chamber).

[A.4669]. I have never lit a quantity of petrol. *When I light the blow-lamp I always do it with a rag.*†

From Q. 4639 onwards Rouse's cross-examination is of absorbing interest, and readers are referred to it in detail. His confession does not indicate the exact paths of the trail or trails of petrol, nor, if there was more than one trail, which he lit first.

From the fact that Ivy Jenkins had noticed a shortening (as from a singe) of his eyebrows, he may in fact have been slightly less competent than his confession detailed. But, substantially, his account was true, and has been accepted as such by the learned leader for the Crown.

I am not dwelling at length on this mere introduction on the question of the loose petrol union joint which received so enormous an amount of attention at the trial, for the reader who peruses the careful theorising of Colonel Buckle, and the most valuable and interesting counter-evidence of Mr. H. W. Bamber, a consulting engineer with very high qualifications, who was, *inter alia*, carefully examined and cross-examined about the removed carburettor. At Q. 5676 Mr. Bamber came quite close to the theory of the Crown by saying: "It is not probable that it could be blown off, and, if it has come off, somebody has taken it off." To that evidence for the defence must be added the interesting practical experience of the two most public-spirited volunteers, Mr. Cotton and Mr. Isaacs [whose generous chivalry in coming forward merits every praise], if he adds to that a perusal of the additional expert evidence\* which the Court of Criminal Appeal refused to

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\* See Appendix VI.      † See page 203.

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hear, will be amply informed upon the matter. It remains controversial in the absence of direct experiment.

No law Courts, in my humble opinion, are deeply reverential to scientific dicta. The law naturally looks backward and attaches great importance to truth as she was conceived in about the time of the Plantagenets. Science looks forward and has scant respect for precedent. There will never be any love lost between law and science, and scientists are valued in law Courts—especially by jurors—not for their scientific detachment, but for their ability to throw weight on a particular side of the scale. To put it plainly, one would gravely doubt that Rouse went to the gallows because a petrol union joint was found loose by one turn, or because a carburettor top was off. All that evidence may be very interesting to motor engineers, and no doubt it may be of some utility for members of the bar, charged with the defence of any future Rouse, to see how conscientiously and even brilliantly Mr. Finmore dealt with the scientific aspects of his lay client's case. But one single honest straightforward action of Rouse after the fire would have outweighed the effect of a battalion of experts on motor fires called on his side.

One bucket of water fetched by him, half-a-dozen tears for the dead man's plight, one sympathetic remark at the victim's fate—anything like this would have seemed in keeping with kindly and innocent human nature. And of this there was none.

### IX.

It is not at all impossible that Rouse deliberately arranged the body of his petrol-soaked victim to be consecutive with one or more trails so that the right foot and leg should project resting on the running-board in order that the petrol-soaked right trouser leg should form the link, as it were, between a trail of petrol on the road and the running-board into the interior of the car. The left leg was doubled thigh against abdomen, practically as if the unconscious body was kneeling on its left half, and this would bring the knee just about where the petrol union joint would be leaking—in other words, I believe that Rouse deliberately arranged the body of the unconscious man so that the continuous drip from the petrol union joint should be feeding upon the left trouser leg, so as to maintain the most intense volume of flame. The face was placed down-

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wards so as to face the uprising flame from the floor of the car, and thus to have its identity destroyed. It is perhaps possible to connect the extension of the right arm over the seat with an intended proximity of the soaked right cuff, to the petrol can at the rear, so that if that can should catch alight before the arm had been reached from the flame on the body's left, the flame would extend up the right arm and shoulder to near the face.

I think that Rouse during that grim ride to Hardingstone was carefully planning the details of his deed, and as he intended to burn a body, he placed the body he had procured in such a way that its identity would be safely obliterated.

Note the following questions and answers\* :—

[4688]. I am suggesting to you that yours was the hand that fired that car?—It was not.

[4689]. And that at the time you fired that car your companion, picked up on the road, was unconscious?—No.

[4690]. And that he was unconscious by your hand?—No.

[4691]. And that he had been thrown in that unconscious position, face forward, into the car that you were to light?—Most decidedly not. I should not throw a man. If I did a thing like that, I should not throw him down face forwards. *I should think where I put him, I imagine.*

[4692]. You would imagine what?—Hardly that I would throw him down like nothing. That is absurd.

[4693]. If you rendered him unconscious, would you have a delicacy about his posture?—No, but I think if I had been going to do as you suggest I should do a little more than that.

[4694]. Would you?—*I think I have a little more brains than that.*

Answers 4691 and 4694 seem to me to be two of the most sinister that have ever been uttered by a murderer in our Courts. I submit that, as against the monosyllabic lies of QQ. 4688, 4689, and 4690, these instances of Rouse's boastful loquacity are astounding in their utter truthfulness. The Crown's theory was that the unconscious man was either thrown forward or had just pitched forward. The real truth is, I infer, that Rouse was too clever to do the main job by halves, and that he could in a grim and cynical way not untruthfully deny the Crown's theory. It did not go far enough. The victim was carefully arranged for utter destruction. It is extremely difficult to think out any other disposition of the still-living but unconscious body which would achieve Rouse's desired result so certainly, given the type of car used here with its severely limited space.

\* See page 204.

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## X.

The grim task Rouse had set himself he performed with the utmost competence. And there he came to a full stop. Quite probably what he had not reckoned upon was that the horrible sight of the burning car might revive the first memories of his war injuries which were sustained at a moment when an aeroplane was collapsing in flames, indeed, whilst he was actually looking up at it. Rouse was an ex-soldier who had sustained a serious head injury during the war, and he had voluntarily run the risk of creating a display of similar hideousness to the one then existent. That was one risk, how much or how little we cannot tell now. It may have been a cause of his subsequent foolishness, or it may have had nothing to do with it.

I do not think that for one moment any feeling of pity for the victim ever crossed his mind. Such references as Rouse ever made afterwards to that wretched being—"that scallywag"—were marked only by an entire lack of feeling, unless the final letter he is alleged to have sent to the Chief Constable of Norfolk, just before the execution, revealed anything different. That letter has not been made public.

Instead of showing humanity, even any pretence of it, Rouse callously alluded to the funeral pyre as "a bonfire." Before reporting the burning and possible death of his passenger to the police, in case that poor fellow had any relatives to mourn his loss, Rouse went home to tell his wife not to worry. "I did not want at the time to bring my wife into it, and I went home. The police were bound to be inquiring about my car, as the number and everything was plain, and I did not want her to be upset, and I said: 'I will be back to-morrow.' " [A. to Q. 4227.\*] "I first went home to tell my wife not to be worried." [A. to Q. 4231.] Having followed that consolatory course, if he is to be believed, he then thought it necessary to take a journey to Wales to see a lady who happened to be ill at the time. Usually family men do not dash across the country to see their sick lady friends in such a dire hurry that they cannot report a burnt motor car at a police station—above all when the fire has involved a human life—without leading a jury to conclude that a very considerable infatuation, or else some abnormal scheme, must have been afoot.

It is almost fascinating to speculate, as a matter of study of the human reasoning power, why Rouse could ever have hoped

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\* See page 181.

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for a second that his extraordinary course of conduct would not have been fatal to any theory of his innocence. True, he had been steeped in an atmosphere of duplicity for years, and he must almost have forgotten how to face any facts other than the ones of his daily commercial transactions. The curious articles in the press which some agent of his published as his, to whatever extent they may have been authentic, all demonstrated an astonishing imperviousness to human decency. "There are two women in my life to whom I may go on my release, neither of them my wife," is a fair sample of the literary position to which his outlook on life had brought him.

Rouse is supposed to have had a passionate devotion for his six-year-old son. If so, why did he allow his agents to publish the astonishing confession\* so curiously produced and published the day after his death, a confession notable for the sincerest and sheerest callousness imaginable? One would have thought Rouse would have given a beloved son the chance of saying in future years: "Well, whatever the Courts decided, I shall always believe my father was innocent, for he never confessed."

There is here, however, the possibility that he may have deputed to the agent who published the confession some task such as devoting any financial proceeds of it to the education of his son or of his other children; but this is merely inferential. One hopes he had at least that amount of goodness about the matter.

Rouse had apparently abandoned the mental habit of facing facts as they exist. A considerable amount of material about him is extant, and it is remarkable that, if one compares one account of his about himself with another, he could not avoid meaningless lies upon the most unnecessary matters. The late Tim Healy remarked of a political acquaintance that he was such a liar that one dared not take even the opposite of what he said to be the truth. Rouse was a spiritual twin of that gentleman. It was so natural for him to lie that he never gave a thought to the difficulties he might be creating for himself if his whole doings after the car burning were closely examined. He had lied to simple, gullible girls for years, and found it successful, but he never anticipated the moment when powerful legal intellects would sift his prevarications and inconsistent explanations.

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\* See Appendix II.

## Alfred Arthur Rouse.

In spite of the pose of Alfred Arthur Rouse to be such a man of the world, he was curiously simple upon two points which led to his undoing. One was that he did not allow for the possibility of any chance wayfarer coming along during or just after his extraordinary dealings with his car. The other was that he did not in any way foresee the great news value of such a happening as a shrivelled corpse in a wayside burnt automobile, with a hatless man disappearing from the scene, nor that every illustrated paper in England would publish a picture of it. It is known that Rouse expected there would merely be a three or four-line paragraph of the discovery, and perhaps another short paragraph of the necessary subsequent inquest. Just as the sudden appearance of Brown and Bailey killed his disappearance plot, so the publication in the *Daily Sketch* of the interview of the police with his wife on the morning of the 6th November ended his pose at the Jenkins' home as the husband of Ivy Jenkins, and any possible intention to lie hid there, whilst the Northampton Police could innocently presume that the brace buckles, &c., were those he had been wearing; unless, indeed, Mrs. Rouse should dissent from that identification of them, and, according to her own account, as alleged in the press, she did not go so far as that.

It is a very curious fact that Rouse seems never to have had any alternative scheme if anything went wrong with his extraordinary plan. He had been long weeks preparing it, and no doubt exists in any well-informed mind but that his victim had been marked down well in advance and was well known to him. It may even have been, as Ivy Jenkins has suggested, that the man was one of his blackmailers, or it may have been that he lured the man into the car by the promise of a job in the Midlands. At all events he did succeed in selecting an absolutely untraceable man. But, for such an event as P.C. Lilley's speaking to him at Markyate, which would dispose of any theory that only one man, the driver, had set out upon that journey, he does not seem to have made any reasoning allowance in his scheme.

Presumably it is one thing to perpetrate an efficient murder, and quite another, and infinitely harder, to anticipate every possible flaw in the attitude of innocence, and to devise a course of conduct afterwards which shall dominate the situation. Every



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situation after the murder successively mastered Rouse, quite simply in the order of its appearance.

In the course of his prolonged inquiries, Mr. J. C. Cannell unearthed a most interesting and telling piece of evidence. That was that on 1st November, 1930 (four days before the crime), Rouse went to St. Mary's Church at Islington, where he had bigamously married Helen Campbell in November, 1924, in order to obtain a copy of the "marriage" certificate. This document he could just as easily have obtained at Somerset House. Why then go to St. Mary's? The clerk there, Mr. Turner, might well remember him, and Rouse intended to trade on that fact and pose as being a brother of himself, one possessing a startling fraternal resemblance.

To Mr. Turner Rouse gave as his reason for wanting a marriage certificate the fact that his "brother," A. A. Rouse, had just been burned to death in a terrible motor accident. A. A. Rouse's widow was then in London, and the applicant, as his brother, was carrying out the necessary legal and other formalities concerning his death on behalf of the widow. Such was his story.

In fact, the immediate purpose was to use the document to obtain Nellie Tucker's admission to the Maternity Hospital, as his wife, and it was in fact so used.

I think the incident shows rather more than my informant deduced from it. Not only does it go to show that Rouse was four days previously plotting the blazing car murder and associating himself with the idea of being a survivor from it. To me it also illustrates Rouse's complete confusion of mind. Where he thought that he was creating a safeguard, namely, that Mr. Turner would say, when and if he might read of Rouse's car fire: "Why, that is the very fire after which the brother of the dead man came to get the certificate for the widow!" And so, if he ever encountered A. A. Rouse in the flesh, he would know that it was merely the brother who had called on 1st November. He seems quite to have forgotten to reason that a man in the fairly responsible position of Mr. Turner would far more likely say: "How very curious that Mr. A. A. Rouse's brother should have come to me a few days *before* the fire and have described it as if it then lay in the *past*!" Mr. Turner would then presumably have taken this appalling fact to the police, and the safeguard against any future identification would have become a deathtrap.

## Alfred Arthur Rouse.

Most of Rouse's answers in the witness-box revealed more or less of an inability to reason, and a marked degree of confusion as to the order of events, and the importance of that order.

To cite one remarkable illustration. At only the tenth question asked him, long before he could have become confused from tiredness, Mr. Marshall asked Rouse in examination-in-chief: "In what year were you wounded?" (Q. 3378.) This was the remarkable reply\*—

"A few months after I joined up. I joined on the 8th August, I think it was, and *I was wounded on the 15th April. I believe it was February. 25th May, I think it was.*" Most soldiers invalided from the war, who have drawn pension from a given date, can state in under three guesses what the date of the wound actually was.

### XI.

It may not be inappropriate to add a word of comment about the confessions in this case. There were two documents, one which appeared in the *Daily Sketch* [Appendix II] on 11th March, the day after the execution, the other a letter from Mrs. Rouse which appeared in the *News of the World* on the Sunday following [Appendix III].

At the outset one may remark that it adds a new terror to capital punishment if wives and agents may publish either real or fabricated confessions of sensational murders, although these particular ones are of certain authenticity. It is extremely easy to be highbrow and superior in the matter, and to say that newspapers should not publish confessions and how very wicked they are to pay hard cash for such documents, to whatever extent it may be that they do pay for them.

But it must be conceded that a paper exists to sell news, and if the sort of news that readers passionately desire to read is whether a convicted man has confessed to the crime or not, then editors are following the law of their being in supplying such items. The gateway is obviously open for irresponsible persons to manufacture confessions, and for irresponsible editors to publish them, although those particular evils did not arise in this instance. The administration of justice would not be aided by fabricated confessions, and it would all seem a very undesirable

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\* See page 138.

## Introduction.

and improper system, not at all conducive to the great dignity which should always characterise the law.

The Home Office is determined not to publish murderers' confessions, and the newspapers are equally determined to publish them, if they are fortunate enough to get them from a knowledgeable source. The public wants them, and innocent prison officials are likely to have to continue to vindicate their innocence in such cases, as was triumphantly done in this one.

The deadlock is not easy to resolve, and I do not think it necessary for me to presume to offer any general solution of the matter. I have simply stated the problem for others to solve it if they can. Perhaps the whole position is inherent in the retention of capital punishment as part of our legal system.

A debate was initiated on 29th April in the House of Lords by the Rt. Hon. Lord Darling, in the course of which that eminent ex-judge read a letter from Lord Rothermere to the following effect upon the articles dealing with Rouse's life:—

I am very interested in the subject of the debate that you are initiating to day, and I wish that my business engagements permitted me to attend. I gather you are to raise, among other questions, the increasing tendency of certain newspapers to publish, particularly in respect of murder cases, the life story of the convicted person, notwithstanding that an appeal to the Court of Criminal Appeal may be pending. Speaking for myself—and I am sure my personal view will be shared by the proprietors of all reputable newspapers—I would welcome an authoritative ruling that matters to the detriment of the convicted person should not be published until the time for lodging an appeal had lapsed, or, if an appeal was lodged, then not until the appeal had been heard.

That, remarked Lord Darling, was most valuable confirmation of the view that there was nothing to the detriment of reputable newspapers in omitting matters of the kind to which he had referred.

In the course of his observations, Lord Darling expressed the view that the exclusion of the public and press from preliminary investigations of sensational trials would be legal. But who is to decide what case is a sensational one?

The Lord Chancellor, in a temperate reply, expressed the view that, although the articles Lord Darling complained of were regrettable and unfortunate, they had been considered, and it was thought unlikely that the Court would hold that they constituted a contempt of Court. The Lord Chancellor commented on the value of the press in the detection and prevention of crime, and gave a serious warning that if articles such as those Lord Darling

## Alfred Arthur Rouse.

complained of should appear on any future occasion, they would be brought before the Court to ascertain whether a contempt had or had not been committed. He deplored the marketing of sensational stories in connection with crime, and asked editors and proprietors to consider the non-desirability of their publication.

At all events in this particular case among those who did *not* supply the confession which appeared in the *Daily Sketch* were the whole of the prison service connected with Rouse, and Messrs. Darnell & Price, his solicitors. [Rouse confessed his guilt to more than one person, but not at the same time.]

After its publication Mrs. Rouse naturally enough saw no point in maintaining her own loyalty to the guilty man, and published what she thought proper in the *News of the World*, although on 25th February she was alleged to have telephoned to Mrs. Clynes (wife of the Home Secretary): "I know he is innocent"; on 9th March there appeared in the *Daily Express* her alleged asseveration: "I have been seeing him constantly, and he has consistently protested his innocence. I think it is unfair to him that such reports should be published"; whilst the *Daily Mail* of 12th March similarly alleged that it had "excellent grounds for stating that Rouse died without making any statement whatever with regard to his guilt. His wife and lawyers give a categorical denial to the suggestion that he confessed." The confession Mrs. Rouse published later in the *News of the World* bore the date 7th March.

There were a few mild attempts in certain newspapers to controvert the *Daily Sketch* confession, in the light of inference and conjecture. Without being empowered to reveal my authority, readers may rely upon the fact that the confession was authentic and substantially true, in spite of one or two comments which can be made on small points, and upon Rouse's obstinately alleged ignorance of the identity of his victim.

It is notable that in the final letters Rouse sent to Helen Campbell, and to his little son, he not only made no protestation of innocence, but in the one to Miss Campbell he wrote: "I expect I have been the most to blame." Rouse also allowed Nellie Tucker to infer his acquiescence in the jury's verdict.

It is one cruel irony of the situation that the police have in their possession a statement based upon remarks by his little son which, if accurate, might have presented a plausible explanation of Rouse's crime. But the evidence of a child of five, however

## Introduction.

observant, intelligent, and tenacious, would hardly be presented by the Crown in a charge so serious as murder. A prevalent rumour that this child was examined by the jury, judge, and counsel in a private room is entirely baseless. To begin with, such a course would have rendered the whole trial absolutely invalid and afforded ample ground for quashing in the Court of Criminal Appeal.

What the jury did do was to conduct certain personal experiments with a Morris Minor car in a perfectly proper and legitimate way. These experiments removed their last doubt in the matter.

One little piece of medical evidence appears corroborative of Rouse's confession. Dr. Hemingway, Honorary Physician and Pathologist to Northampton General Hospital, and Honorary Pathologist to Kettering Hospital, examined the charred remains of the dead man and gave his report at the Police Court proceedings on 15th December, 1930. *Inter alia* he said: "The bladder contained half a pint of urine."

This, after a journey of four hours' duration, is much more consistent with the dead man not having left the car than of having left it. If the Crown's theory was that Rouse stunned the man with the mallet, that stunning must presumably have occurred outside the car, because there is no room for such a performance inside a Morris Minor, and the presence of half a pint of urine in the bladder would be surprising in the circumstances of the man having left the car, for the act of urination would present precisely the most favourable opportunity for the stunning blow with a mallet. The amount, too, is not inconsistent with Rouse's story of the man "sipping" neat whisky from time to time on the journey. This point in the proceedings before the magistrates somehow disappeared at the Assizes.

## XII.

Just as the Crippen case was the first where wireless telegraphy brought about the arrest of a fugitive criminal, so the Rouse case was the first in which wireless telegraphy was used to summon a witness. Mr. G. R. Paling needed the attendance of a certain Metropolitan police officer to prove certain distances. He was out on his beat at the time, and a wireless message was sent from Scotland Yard to a Flying Squad motor car to find

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and take him to Northampton. Within two hours of Mr. Paling's telephoned instruction he was within the witness-box there, 65 miles away from London.

Another curious feature of this case was that its suggestion *may* have been due, more or less, to a war spy story published in the *Evening Standard* in January, 1929, or else that that work of fiction—"The W Plan," by Mr. Graham Seton—intelligently anticipated in certain ways what Mr. Rouse did with his car and his passenger. The crime of Rouse was also paralleled by those of two German murderers, both of whom killed motor car passengers to obtain insurance money. The first, Karl Erich Telzner, confessed to his crime and was executed at Regensburg, after expressing repentance, on 2nd May, 1931. This fact alone ought to make one sincerely thankful that our vigilant Director of Public Prosecutions and capable counsel for the Crown successfully brought this villain to justice, for, given a better thinker than Rouse, the whole of his horrible scheme might have come off successfully and been but one of a multitude of such crimes.

Although no lover of capital punishment as such, I am not in the least degree sentimental about such people as Rouse. Any sentiment which one has to spare might be saved, as the Northampton Police saved theirs, for the unhappy unidentified victim of his cruel policy. The lower that poor waif had sunk in the scale of existence, the prouder we can all feel that the immense resources of the Crown were lavishly devoted to avenging that lowly, lonely being, for counsel who conducted the prosecution had some hard nuts to crack. By no means the easiest feature in their case was the unfortunate fact that the police had left the burnt car absolutely unguarded for a considerable period, and that the only photographs they had to produce showed that it had obviously been interfered with; facts which both Mr. Finmore and Sir Patrick Hastings were obviously entitled to use to the full. In one of the most impressively fair summings up ever given to a jury by an English judge, Mr. Justice Talbot commented strongly about this bad piece of police work. It must be recalled that the Northampton County Police at a very early stage decided to rely upon their own resources and not call in New Scotland Yard, and it is only charitable to take the view that at its outset they did not clearly visualise the extraordinary difficulties which would arise, so that their decision would not prove a wise one.

# Introduction.

## XIII.

What might be described as a strong minority of the legal profession has expressed doubts upon this trial quite apart from the known and admitted guilt of Rouse. Their point of view boils down to the question: "Was there sufficient evidence presented in Court to justify the verdict of the jury?"

That question will be answered to his own satisfaction by every reader who carefully peruses the long pages containing the evidence. Curious points will emerge. The mallet of which so much was heard at the trial, and to which the Court of Criminal Appeal appeared to attach great importance, turned out to be nothing at all in the crime, and all the fuss about the few hairs embedded in the dirt on it was an example of waste of time and energy into which a piece of circumstantial evidence can occasionally mislead counsel. It did not weigh much with the eminent and astute judge who heard the case, but received some prominence in the judgment of the Court of Criminal Appeal.

Each juror will know what parts of the evidence most weighed in his own mind. All those present at the trial unite in declaring that Rouse hanged himself in the witness-box. To the writer the fact that the car debris indicated more than one practically simultaneous origin of fire would make her think just what that fact would make her think in a case of arson. Most convincing of all was that the piece of cloth from the crotch or fly of the trousers, sheltered as it was by the peculiar bendings (or constriction from rigor) of the human remains, was still damp from petrol after a fire which had melted metals near it requiring heat to approximately 2000° Fahr. I should have said, "That shows more than a mere spraying—it was the effect of a deliberate drenching or soaking," and to me that would end the matter, even on a bare reading of the recorded evidence. If Mr. Rouse had led the life of Galahad, that petrol-soaked cloth was sufficient to condemn him, in the particular circumstances in which it survived such heat. Mr. Rouse's amply justified pride in his brain power as to the best way to dispose a body in a car for burning would also have made one ponder things carefully. A certain skilled eye-witness has described Rouse's attitude throughout the part of the case dealing with the burning of the car as that of the person who knew what really had occurred, and who found the deductions of mere theorists slightly amusing. Rouse's apologists should recall that the whole

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point of a jury trial is a judgment of demeanour as well as of words, and that press reports cannot give much more than the bare words, without their telling accompaniments of over-confidence or betraying reluctances. Rouse's verbosity must have been a severe trial to the devoted barristers defending him. It was a pure gift to counsel for the Crown! The present writer wearied at an early stage of counting the number of times Rouse used the expressions Honestly: Candidly: To be frank, &c., &c.—all so unnecessary when a man is really being honest and remembering his oath.

One feels no fear that any innocent driver of a car which might be set on fire in his absence by a careless passenger will run any real risks through the conviction of A. A. Rouse.

### XIV.

Cruel as was Rouse's crime, and his conduct towards mere girls, one cannot dismiss him as an individual without feeling that there was "good in Arthur," to use his wife's last commentary. There really was. He was an energetic, ambitious, skilled type of man who owed his rises in life to his own hard work. He was a brave soldier and a brave war patient. Many fascinating qualities were his, and many admirable ones. Irregular as was his paternity, he loved some of the children he had begotten, nor did he abandon all their mothers in their hours of pain, but showed real solicitude.

Having read reams of his lucubrations about himself, plentifully besprinkled as they are with obvious and futile lies, it has become clearer and clearer to me that Rouse was a war product and a war tragedy. Some people are blessed with a faculty for seeing war as a moral purifier. That is a very limited facet of the truth. The war did not purify Rouse—it markedly helped his moral ruin. It broke his morals, and I consider that his wound broke his mental power and shattered his controls without lessening his conceit.

Although his childhood was deprived of that mother love with all its steadying power for which he craved, he was a good lad until he saw service in France. There he learned to kill at his country's behest, and later he applied that lesson in his own behalf. In France he suffered a severe head wound, from which it is probable he never really recovered. In his hospital days his cravings for the magnificent and opulent were fostered in the beauties of Hare-



## Introduction.

wood House, which must have been Paradise for the hosier's son. His wife could not, or would not, give him offspring, and there again was another deeply-felt injury to his *ego*.

My wife has always looked after the home in every way possible and is very well domesticated, but that does not make up for the loss at the hearth of one's child. . . .

I honestly think that if I had only a child in my home all this trouble would never have come about. . . . I am referring to my association with others than my wife. . . .

A son was born on 22nd July, 1925, and we [i.e., Helen Campbell and Rouse] were quite happy. I then realised what I had missed in life as regards my home.

\* \* \* \*

It was a curious coincidence in the life of Arthur Rouse that when he was journeying home as a wounded soldier, the first revival of consciousness he had was in passing through a station where "Bedford" was painted on the nameboard. It was indeed to be Bedford fifteen years later, when he was to be executed. It seems a pity he did not die in the odour of soldierly honour and valour. But Bedford it was to be, across the years.

And yet he had, as a lad of twenty, answered his country's call only four days after the outbreak of the Great War. *Sunt lacrimæ rerum, et mentem mortalia tangunt.*

HELENA NORMANTON.



## Leading Dates in the Rouse Trial.

1894		Birth of Alfred Arthur Rouse.
1900		Rouse sent to live with an aunt on separation of parents.
1914	8 August	Rouse enlisted, and was drafted into the 24th Queen's Territorial Regiment.
	29 November.	Marriage to Lily May Watkins.
1915	15 March.	Sent to France.
	25 May.	Wounded and sent home.
1920		Beginning of friendship with Helen Campbell.
1921	21 October.	Birth of Rouse's first child by Helen Campbell. (Died aged five weeks.)
1924	November.	Rouse bigamously married Helen Campbell.
1925	22 July.	Birth of Rouse's second child by Helen Campbell.
1928	2 May.	Birth of Rouse's first child by Nellie Tucker.
1925-1930		Friendship with Nellie Tucker.
1930	29 October.	Birth of Rouse's second child by Nellie Tucker.
	5 November.	
	8 p.m.	Rouse left City Road Maternity House, London.
	9—9.30 p.m.	Rouse at 14 Buxted Road, at home.
	11.15 p.m.	Rouse spoken to by P.C. Lilley at Markyate.
	6 November.	
	2 a.m.	Destruction of Rouse's car near Hardingstone.
	2.15—6 a.m.	Rouse's journey to London on a lorry.
	6.15—6.45 a.m.	Rouse at his home in Buxted Road, Finchley.
	9 a.m.	Arranged trip to Wales to see Mr. Jenkins.
	10 a.m.	Departed for Gellygaer, South Wales.
		Arrived at Gellygaer evening of same day.
		Metropolitan Police notified Mrs. Rouse of finding of burnt car and corpse and invited her to travel to Northampton. Later, she was there shown buckles, &c., which she is alleged to have said * "might" be her husband's.

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\* The Home Office has a statement made by Mrs. Rouse on this occasion which it has decided not to release. Mrs. Rouse's version (given above) of what she is alleged to have said is extracted from the *Daily Sketch* of 5th February, 1931.

## Leading Dates—continued.

- 1930    6 and 7 November. Night spent by Rouse at Gellygaer.
- 7 November.    Rouse shown at breakfast time *Daily Sketch* of 7th November containing illustration of burnt car, description of himself, and information that the Metropolitan police had notified Mrs. Rouse and taken her to Northampton. -  
                             Rouse at once returned to London.
- 9.30 p.m.        Rouse detained at Hammersmith Police Station.
- 8 November.  
       1 a.m.            Arrival of Northampton police at Hammersmith.
- 1—5 a.m.        Statement made (Exhibit No. 33).  
                             Rouse taken under arrest to Northampton.
- 9, 10, 27 November and 15 and 16 December.    Proceedings before Magistrates at Northampton.
- 16 December.    Rouse committed for trial.
- 1931    26—31 January.    Rouse tried at Northampton Assizes and found guilty.
- 23 February.    Rouse's appeal heard and dismissed.
- 4 March.        Application to appeal to House of Lords refused by the Attorney General.
- 6 March.        Home Secretary refused reprieve.
- 7 March.        Date of confession made by Mrs. Rouse to *News of the World*.
- 9 March.        *Daily Express* alleged that Mrs. Rouse had denied the guilt of Rouse.
- 10 March.        Execution of Alfred Arthur Rouse at Bedford.
- 11 March.        Formal confession of Alfred Arthur Rouse published in *Daily Sketch*.
- 12 March.        *Daily Mail* alleged that Mrs. Rouse had denied the guilt of Rouse.
- 29 April.        Debate in House of Lords on confessions and articles dealing with the life of Rouse, initiated by Lord Darling.

# THE TRIAL.

WITHIN THE

COUNTY HALL, NORTHAMPTON,

NORTHAMPTON WINTER ASSIZES,

ON

MONDAY, 26TH JANUARY, 1931.

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*Judge—*

MR. JUSTICE TALBOT.

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*Counsel for the Crown—*

Mr. NORMAN BIRKETT, K.C., M.P., and

Mr. RICHARD ELWES.

(Instructed by the Director of Public Prosecutions.)

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*Counsel for the Defence—*

Mr. DOUGLAS L. FINNEMORE and

Mr. A. P. MARSHALL.

(Instructed by Mr. G. B. Lee-Roberts and Messrs.  
Darnell & Price, Solicitors, Northampton.)

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Mr. RONALD CAMPION held a watching brief on  
behalf of Helen Campbell.

(Instructed by Mr. Henry Flint, Solicitor, London.)



## First Day—Monday, 26th January, 1931.

The CLERK OF ASSIZE—Alfred Arthur Rouse, is that your name?

The ACCUSED—Yes.

The CLERK OF ASSIZE—You stand charged upon this indictment with the murder of a certain man, whose name is unknown, upon 6th November of last year. Are you guilty or not guilty?

The ACCUSED—Not guilty, sir.

The jury were then called, Mr. Finnemore challenging two women jurors.

The CLERK OF ASSIZE—Members of the jury, the prisoner at the bar, Alfred Arthur Rouse, stands charged upon this indictment with the murder of a certain man, whose name is unknown, upon 6th November of last year. To this indictment he has pleaded not guilty, and puts himself upon his country, which country you are. It is your duty to hearken to the evidence and to determine whether he be guilty or not.

### Opening Speech for the Prosecution.

Mr. NORMAN BIRKETT, opening the case for the Crown, said that the accused was charged with the wilful murder of an unknown man at Hardingstone on the 6th of November. They would hear from the evidence that would be placed before them that the remains of the unknown man which were found in the car were burned beyond all recognition in a very fierce fire in a motor car in the Hardingstone Lane. In order that he might clear it out of the way right at the outset, they need not be troubled in this matter at all by the fact that the remains were not identified as those of any previously living person. It made no difference in the law upon this matter, but the jury might regard it, in the special circumstances of that case, as a factor very important and most significant. They would decide upon the evidence, justly and righteously.

There was one prefatory observation that he wanted to make. The charge they were met together to investigate was a charge of the utmost gravity, sometimes said to be the gravest charge known to our law. In a charge of such gravity the duty which was laid upon the prosecution was to satisfy them beyond all reasonable doubt that the accused was guilty, and from the earliest moment he acknowledged that to be the duty of the Crown.

The grave offence of wilful murder, by the very nature of the

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case, was seldom committed where human eyes might behold, relate, and report. Sometimes it was so, most often it was not so, and, by that circumstance, what was called direct evidence was sometimes impossible and sometimes difficult to obtain, so the evidence which was brought was what was known as circumstantial evidence. But circumstantial evidence might be of such texture, such strength, such cogency, as to be superior almost to direct evidence, and the Crown would submit to them in that case that upon the evidence it purposed to call before them that the logic of the circumstances and the facts here led them to one conclusion, and to one conclusion only, and that was that the unknown man in that car, on that road, on that day, was murdered by the accused.

The story began about ten minutes to two in the morning of 6th November of last year. Two young men walking home from a dance met the accused just after they had turned into Hardingstone Lane, which is a district road, not a main road. They walked up the road until they reached the junction where the Hardingstone Lane ran from Hardingstone village. It was an early morning, bright and moonlit, and as they reached that junction on the farther side of the lane from which they stood, they saw a rather remarkable sight. They saw the prisoner come out from the direction of a ditch on the side of the road, hatless and carrying an attaché case. There, from that strange place, at that strange time, on that lonely road, the accused emerged. The two men passed the accused and no word was exchanged. They might come to think, when they heard the full narrative, that a most remarkable fact was that those two men passed him and he did not speak a word. After they had passed one of them said, "What is the blaze up there?" pointing towards a glare up the lane, and then, having gone 15 yards or 20 yards beyond the men, the accused said these very remarkable words: "It looks as though some one is having a bonfire up there."

Members of the jury would hear what was found up that lane. They would hear the accused's part in it, and would have to bear in mind at every stage of this case the fact that, right at the outset, when the accused met those two men he passed without a word. No appeal for help! No call for assistance! Nothing! And then—"It looks as though some one is having a bonfire up there." They would hear that what he called a bonfire was the burning of his own car; and there was the body of that unknown man inside that car being steadily burned beyond all recognition.

The significance of the remark, "It looks as though some one is having a bonfire up there," could not be over-emphasised in view of the fact that 400 yards away there was that terrible fire. That car had shortly before been drawn up by the side of the road by the prisoner himself; he had shut off the engine and put on the brake, and it would be proved that the car was in second



# Opening Speech for Prosecution.

Mr Norman Birkett

gear. And yet, at that moment, his observation to those two men was, "It looks as if some one has had a bonfire."

After saying that, the prisoner walked a few yards towards the main road, and then went to his right towards the Northampton road, and then went the other way towards Stoney Stratford. Then he stood still. That was the last those two young men saw of him. Brown and Bailey walked up Hardingstone Lane and saw a motor car in flames, a Morris Minor saloon, on the south side of the road, drawn up on its proper side by the side, but not on, the grass. The flames at that time bursting from the car were 12 to 15 feet high and the heat intense. At first they did not observe that any one was in the car, so Brown went and brought P.C. Copping, of the Northampton Constabulary, while Bailey went to fetch his father, who was the village constable.

When the four of them were there, P.C. Copping went as near as he could, and then observed that there was a human body in that intense flame. He sent for further assistance, and the rest of them endeavoured to put out the flames. When that was done it was seen that the car was almost burnt out. Photographs (to be produced) would show that the car was destroyed and certain of the brass parts melted with the heat. They would have to bring to that case their judgment experience, and their knowledge of human nature to decide the way a man would act in such circumstances. At the start, before they advanced very far upon that story, they had, in his submission, the significant fact of those words.

One of the most important parts of the case, having reference to what he had said about circumstantial evidence, was that the body in the car was found lying in a rather curious position, and they would have to listen to the evidence on those points with the greatest care. It was lying face downwards, with the face upon the driver's seat, which was to the right of the car. The trunk was extended along the other seat, and the right arm, extended and uplifted, was burned off at the elbow; there was no left arm to be seen. The left leg was drawn up and the right one was rather extended. He could not help them on the matter as to how the body got into that position. Whether the man was struck and had fallen, whether he was placed in that position from the outside of the door, he did not know, but he knew that the position of the body, with the face resting upon the driver's seat, was highly significant and an important circumstance for them to consider.

Among the wreckage of the burned-out car there was found a charred boot or shoe 6 inches to the left of the running-board—in line with the driver's seat, and, another thing of immense importance, a burst petrol can, empty and burst in one of its seams with handle and screw missing. The tyres of the near-side wheels were burned off, while the off-side front tyre was intact, and there were no marks on the car which indicated anything in

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the nature of a collision. The two officers made a careful examination, and P.C. Valentine lifted up the bonnet of the car on both sides. He found that the cap on the petrol tank was in its normal position. It was hot, but loose.

Sergeant Harris during the morning visited the scene twice, and on the second occasion, at about one o'clock, he found a wooden mallet lying on the grass verge, about 14 yards in front of the car—they must mark how important that was. The impression on the grass where it had lain was quite fresh, and there appeared to the sergeant who found it to be hairs adhering to the head of the mallet. The first point about that mallet was that it was a strange place to find it—14 yards in front of that blazing car—a very strange place! Secondly, Dr. Shaw would tell them that upon the end of the head he found a considerable amount of dirt and several hairs adhering by means of the dirt. He removed certain fragments for examination, and evidence as to that would be given later by Sir Bernard Spilsbury and Dr. Shaw himself. The longest hair removed was a human one, fair in colour. With regard to other hairs, covered with dirt, it was very difficult to decide the colour. They had been broken off the head of the person to whom they belonged, and there was no definite root. There was no blood on the mallet, nor was there any adhering skin, but those human hairs were there.

This fire was undoubtedly one of intensity and fierceness. How did it start? Where did it start? Was there anything in the remains of the car to assist them in answering that question? There was. He would call before them a witness, Colonel Buckle, who had had a very wide experience with regard to fires in motor cars and fires generally. To summarise his conclusions he would say, "My examination of that car indicates to me that the fire was designed and not accidental." Many factors, of course, went to that conclusion. Secondly, Colonel Buckle would tell them that from the intensity of the flame, its direction, its continuity, its steadiness, valuable, indeed almost certain, light was thrown upon the source of the petrol whence the fire sprang. He would tell them that the union at the tank end of the petrol pipe was so loose that he could easily move the pipe, and the nut was one whole turn slack. He would also tell them that there had been probably a second source of petrol for the fire, and that second source had been from the petrol can which had been discovered among the debris. In Mr. Birkett's submission those matters would be demonstrated and proved by the evidence, and they would appreciate that the Crown could not do more than that. After instancing several causes which might be responsible for an accidental fire, Mr. Birkett said that in all those cases the engine must be running. In this case the engine was stopped. Thus the causes or cause of an accidental fire were missing in this case. A great deal of importance attached to the intensity of the fire. If they had a scattered fire up and down the car, that was one

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thing. If they had evidence which showed conclusively that there was an intense fire and, what was more important, a sustained intense fire—in a word if the fire was being continuously fed—that was another matter. They would expect to find upon certain parts of the car evidence of that. Colonel Buckle would say that that evidence was there beyond doubt. The windscreen frame was of brass, and a heat of 1850 degrees Fahrenheit was needed to fuse brass, yet the heat there was so intense that in two places the brass of the windscreen had been fused as if by a blowpipe, one at the top about 4 inches from the near-side and one at the bottom about 6 inches from the near-side slightly out of the perpendicular. Colonel Buckle would say that the fire must have been continuously fed, a sustained continuous flame for some time, replenished and re-fed. A further important point was that of the casing of the gearbox. That was composed of aluminium alloy, and that had been partly fused by the intensity of the heat. But, on both sides of the flywheel casing there were thin projecting lugs of similar material. Those lugs were not fused.

If the fire had come *from* the bonnet *to* the body of the car, those lugs would have been fused before the aluminium alloy of the gearbox fused.

The petrol tank was made of sheet steel situated under the scuttle dash inside the car. It was intact, with no signs of bulging through internal pressure. The joints appeared to be in good condition. That they could regard as being of great significance.

From the petrol tank was a pipe leading to the carburettor. At the carburettor end the union joint was tight, but it had dropped away from the carburettor owing to fusing by the intense heat, and at the tank end the union was loose.

Experiments had been made by Colonel Buckle showing that from that joint at the tank end there was a petrol flow from which half a tumbler could be filled in just over a minute. Could it flow unobserved? Unnoticed? Colonel Buckle said that that was quite impossible. The screw in the petrol pipe was loose. How did that screw become loose? He submitted that the evidence he would call would point unerringly to a deliberate loosening. Only 10 lbs. of debris remained of the body of the car, and the upholstery was completely burned. It was clear, in his submission, that the source of petrol which had occasioned that devastating fire had been brought about designedly, and if they once believed that, he submitted that the evidence was irresistible about it. There was one question which would come with repeated insistence at every stage of the case—why?

With regard to the medical evidence, Sir Bernard Spilsbury and Dr. Eric Shaw, pathologist to Northampton General Hospital, would say that the body taken from the car was that of a young man, possibly about thirty years of age. There were indications that he had followed some occupation such as coal mining, or at least that he was accustomed to a dust-laden atmosphere. His

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name, parentage, where he lived, his circle of friends and acquaintances, and his workmates were all unknown. He could say, however, that, with regard to the unknown man, he had been alive in the blazing car for a short time at least while the fire raged, and that he continued to breathe for some time after the fire started, for there were indications of fine black deposit and smoke particles in the air passages. It can also be said that the man had lived for only a very short time after the fire had started, and that the body had been that of a healthy man. Of the fragments of clothing that remained, a piece of leather, part of a belt or pair of braces, when taken from the body, smelt strongly of petrol.

Rouse, continued Mr. Birkett, lived at Buxted Road, Friern Barnet, and was employed as a commercial traveller by Messrs. W. B. Martin & Company, Limited, brace and garter manufacturers, Leicester. His district comprised London, the south coast, and certain towns in the Midlands, as far north as Leicester. His salary was £4 a week, with £1 a week fixed expenses, plus the actual expenses of the car, hotel accommodation, and a commission on orders. At about 7.30 on the evening of 5th November the accused called in his car at a certain institution in London to see a friend. At 11.15 that night Police Constable Lilly saw him pull up in his car near Markyate. The car had no lights, and when the constable spoke to the accused he saw he had a male passenger with him. Both men were wearing trilby hats. The light was put on and the car passed him going north. The next time the accused was seen was when he was climbing out of the hedge bottom on to the road near Hardingstone. Then at two o'clock in the morning he hailed a driver of a lorry on its way to London, Mr. Henry Turner. The driver asked him what was the matter, and he replied that he was waiting for a mate with a Bentley to take him to London. The accused was then given a lift on the lorry, and, at his request, was dropped at Tally Ho Corner in London. During the four hours which the journey occupied the accused made no reference to any fire, bonfire, or otherwise, nor did the lorry driver, who had seen the glare of the fire before he picked up his passenger. They discussed generally mechanical defects in cars, and the accused spoke of driving a Morris Minor.

At about 6.30 in the morning the accused approached a porter, named George Smith, on the Thames Embankment, and he said he wanted to go to Wales. Smith, who was not called during the Police Court proceedings, was employed by the Thomas Transport Company, Limited, Villiers Street, Strand, and he took the accused to his firm's headquarters. The accused, who was without a hat, told Smith that his car had been "pinched." At the office the accused said he wanted to go to Newport, South Wales, and he again repeated the story about having his motor car stolen during the night while he was at a coffee stall. There

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were a number of lorries outside, and none of the drivers knew anything about it. The accused said it was a Wolseley Hornet car, and that his hat, a Stetson, was in it. As a matter of fact, he seemed more concerned about the loss of his Stetson than the loss of his car. The manager of the transport company would say that the accused was quite jovial and talkative. He asked if he could get back from Newport to Leicester without returning to London, and was told he could if he took a black and white bus. He then jokingly asked the manager if he was talking of Black and White whisky.

Demeanour and bearing, remarked Mr. Birkett, might have much to do with their consideration in certain parts of that case. He had already pointed out to them the first words spoken to the two men at the corner, he had pointed out to them what happened on the homeward journey to Tally Ho Corner, and now when next seen on the morning of the 6th Rouse was jocular and referred to the Black and White as a joke. Subsequently the accused boarded a South Wales coach, and George Bell, the driver of a bus, which left London for Wales just after 9 o'clock, would say that a passenger who booked late sat on his left hand, and told him that he had been travelling by car, and that he had had it stolen the night before when he stopped outside a coffee stall near St. Albans. He had said he was going to see his wife, who lived near Cardiff. The conversation turned to cars, and the driver said he had once struck a chance blow with a mallet at a dent in a mudguard, and the blow had glanced off the tyre and knocked out the dent perfectly. The accused then said that he himself had a wooden mallet which he had always used for wings.

That evening Mr. William Jenkins, who lives at Primrose Villa, Gelligaer, saw the accused about 8.30. Mr. Jenkins has a daughter, Ivy Muriel, who at the end of October had been taken ill. The jury would hear from Mr. Jenkins that the accused was in the habit of going to his house from Thursday till Monday morning once a fortnight, journeying there in his Morris Minor car. Because of the illness of his daughter, Mr. Jenkins had wired to the accused to come, and he was expected on 6th November. When he reached the house he said, "Oh, dad, I have been a long time coming—about eighteen hours. I had my car stolen at Northampton. I went in to have a cup of tea, and when I came out my car was gone. My hat and bag were in the car. I have got her insured, but I do not want that; I want my car." The accused then inquired about the girl and went upstairs, where she was in bed. When he came down he had supper. During that meal a Mr. Reakes called with a newspaper containing reference to a burning car which he showed to Rouse. He said to Rouse: "Is this your car? If so, you will see it no more." Rouse said: "That is not my car," and said nothing more about the car that night. Next morning Miss Phyllis Jenkins, another daughter, showed the accused a photo of a burned-out car, telling him his

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name and registration number were MU 1468 underneath it, and he put the newspaper in which the photo appeared in his pocket. The report had also stated that the Northampton Police wished to interview a man seen near the car at the time.

On 8th November the accused was given a lift to Cardiff by a Mr. Brownhill, who asked him whether he had reported the loss of the car to the police. The accused replied that he had done so, and also to the insurance company, and Mr. Brownhill told him that in that case he had nothing to worry about. He asked the accused how it happened, and the latter answered that it was too long and complicated to go into.

On the way they stopped at the Cooper's Arms Hotel, which belonged to a Mr. Morris, who, when told by Brownhill about the car, asked Rouse what had happened. Rouse said that he went into a restaurant in London to have some food, and the car was missing when he came out. A butcher boy came in and said that the body of a lady had been found in the burnt car, and the accused said, "Oh dear, dear. I cannot bear to hear anything about it." Later, counsel stated, he would have observations to make upon the purpose for which the accused made these lying statements—for they were lies. Brownhill then took Rouse to a bus service, the depot of which was only 40 yards from the Cardiff Police Station. Rouse said he did not like that service, so he was taken to Melville Street, where another service started.

On the accused's arrival at Hammersmith by motor coach from Cardiff at 9.20 that night, he was met by Detective-Sergeant Skelly, of the Metropolitan Police, who asked him to go to the police station. When this request was made the accused acceded and said: "I am glad it is all over. I was going to Scotland Yard about it. I was responsible. I am very glad it is over. I had had no sleep." He had with him his attaché case. On 7th December at Hammersmith Police Station, before the arrival of the police from Northamptonshire, the accused said that he did not know what had happened exactly, but that he picked up a man on the Great North Road, and at the man's request, gave him a lift northwards. He seemed a respectable man, who said he was going to the Midlands. Rouse had pulled up, and before leaving the car for a certain purpose, he had showed the man where to put petrol in. When he had withdrawn some distance he had seen that his car was on fire and had run back; he saw the man was inside and had tried to open the door, but could not, as the car was then a mass of flames. The detective said: "I see you have your case now. Did you rescue it from the car?" The accused said, "No. Owing to the fact that I had seen the man's hand on the case when it was in the back of the car, I took it with me when I got out of the car and went along the road. I did not want the man to take it."

At one o'clock on the morning of 8th November police officers, including Sergeant Brumby, arrived from Northampton, and the

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accused then made a statement, which he signed. In that statement the accused said that when half a mile past Tally Ho Corner a man stopped him and asked for a lift. The man was aged about forty years, about 5 ft. 8 ins. in height, of medium build, fresh complexion, dark hair, and clean shaven. He was wearing a light-coloured overcoat, fawn trilby hat, collar and tie, and was respectably dressed. He had a slight brogue, probably a north country accent, and had the appearance of a clerk. Rouse had thought his breath had smelt of drink. The man got into the car on the London side of St. Albans. The accused had felt sleepy, had stopped the car and had leaned his head against the side. He had not actually gone to sleep. A quarter of an hour later a policeman had told him his lights were out, and he had discovered they had been switched off. He had asked his companion why he had switched them off, and the latter had said that another car had come towards them with headlights on. He had switched their lights on, and then must have switched them all off. The accused then said he drove on until he got to a village which he had not recognised, and he then had discovered that he was on the wrong road. The village was where the car had been burned. As soon as he had got through the village he had stopped on the road on the near-side. Continuing his statement, the accused said, "I was again feeling sleepy, and just previously when ascending a hill the engine spluttered, and I thought perhaps the tank was running out of petrol. I stopped the car in an ordinary way by shutting off the engine and applying the brakes. I got out, and my companion asked me if I had a smoke, and I said: 'I am sorry, I have not, I have only got a pipe.' I then remembered I had a cigar in the bag, and I said, 'I'll give you a cigar,' and I tossed it to him in the packet through my door, which was open. I said: 'Have you a match?' and he said, 'Yes.' I then lifted up the bonnet of the car to look at my petrol in the tank. I lifted up the off-side of the bonnet. I knew I had enough for another 20 miles, as I had a two-way tap. I then said to my companion, 'Will you look to see if I have any petrol and put some in from the spare can?' I indicated to him that there was a spare can of petrol, and I believe I lifted the can from the back of the car to the front seat—my seat—for him to do this. I did not see him get out of the car. When I mentioned to him about filling the tank I had my case outside the car, and I walked away after I had told him to do this, taking my case with me. I had a wooden mallet which I used to carry in the car. I am practically certain it was in the well of the car that day—in the morning was the last time I saw it. I used it for beating out dented mudguards. I had had the mallet for about three years, and had been carrying it for six weeks. I had it with me to beat out a dent sustained in an accident on the Kingston by-pass road, of which the police took particulars. I am practically certain that when I last saw it it

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was in the well of the car. I cannot say whether the near-side door was open when I left the car, but I think it was closed, otherwise, had it been open, it would have come wide open owing to the camber of the road. I left the car and went 200 yards or 30 yards down the road and looked for a gap in the hedge, but could not find one, so stopped at the side of the hedge on the grass verge. I thought I saw a light in the hedge in front of me, and thought it was from the headlights of a car coming up behind. My case was lying open in front of me. I shut the case and turned round, and then noticed that my car was in flames. I stood still. I was terrified at the sight. I then left my case where it was. I ran as fast as I could towards my car, and the flames were coming out from all around it. I could not see inside the car for the flames. The doors were both shut. I ran back in the direction from which I had come, towards the village. I ran about 10 to 15 yards and shouted, 'My God! My God!' I shouted that fairly loudly. I then ran back past the car to the place where I had left my case. I picked my case up and then ran towards the main road, and just before I got there I again stopped. I believe I was on the grass verge near the road. I was panic stricken. I saw two young men coming towards me from the direction of Northampton. I was going to speak to them, but pulled myself up suddenly and commenced to walk away from them. So far as I remember, the men did not speak to me, but I shouted out to them, as far as I remember, but cannot say what I shouted. I then turned left on the main road and walked towards London. My main thought was to get away from this horror. After a time I stopped a lorry and was given a lift to Tally Ho Corner, where I got off. It was still dark. I walked to the Thames Embankment, and about 9 a.m. reached the Strand, where I bought a new hat. When on the lorry I had some conversation with the lorry driver and his companion. I did not tell them about my car, but I told them I had lost it. I told them that because I thought they would not carry me if I told them my car had caught fire and was burned and somebody was in it."

The accused then proceeded to say that after he had purchased the hat he decided to leave London so as to think things over, and went by motor coach to Wales. He arrived at Newport, Monmouthshire, in the evening, and went to a village called Newtown Gelligaer, and stayed with a Mr. Jenkins. He had known Miss Jenkins, his daughter, for twelve months. He had promised to visit them that week-end. They had asked him where his car was, and he had said he had lost it, meaning it had been stolen. He had stayed the night, and had left about 10 the next morning.

"Before I left, Miss Jenkins, sister of my friend, showed me a newspaper containing a photograph and an account of what had happened to my car. I saw my wife's name was mentioned in the account, and as they did not know I was a married man,



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I put the paper in my pocket. I then admitted to Miss Jenkins it was my car, and inferred that some person had stolen it and it had got burned."

The accused then said that a friend of Mr. Jenkins had driven him to Cardiff, where he had booked a seat in a motor coach and had travelled in the motor coach to Hammersmith, where he was met by a police officer, who asked him to accompany him to Hammersmith Police Station, which he had done. [At this point Mr. Birkett intimated that he intended to omit one part of the statement and to reserve the matter for a later stage.] The last part of the statement, which had not been made public in the Police Court, is as follows:—"I have been asked by Inspector Lawrence if I can explain how human hairs could have got on the mallet. I say in reply that I cannot account for that fact in any way whatever, excepting that I may have rubbed it over my own hair. I have been asked by Inspector Lawrence if I can account for the mallet being found between where the car was burned and where I relieved myself. In reply to that I would like to say that when I was stooping down I thought I heard a self-starter of my car being operated, in which case, if that was so, the car, if in reverse, would move backwards. I usually put the car in reverse when I stop and apply the hand-brake, and if, as I thought, the car did reverse, it would leave the mallet opposite where the car had stood. I was asked by Inspector Lawrence, 'Can you tell us how the mallet, which you stated was in the car, got on to the grass verge, on the near or left-side of the car?' I replied, 'It is possible the man I left in the car may have used the mallet to undo the stopper of the spare petrol can.'"

"Inspector LAWRENCE—Between the time you left the car and the time you first noticed the flare, how long had elapsed?—Probably two or three minutes.

"Can you explain how the car caught fire?—First of all I gave the man a cigar, which he would naturally light in some way or other. I presume he would have a match.

"Then how do you think the car would catch alight?—Presuming he filled up the tank, he would put the petrol can back in the car, and he might not have put the cap on, and may have upset some petrol in the car, and then if he had lit his cigar the car would have caught fire.

"Could he have undone the can while sitting in the car?—Yes, he could have done. He might have unscrewed the cap and lit his cigar first, which might have caused the fire; the fumes would have come straight at him and the flames all over him if he had the can in his hands at the time."

The taking of this statement occupied about four hours, after which the accused was taken to Northampton and charged with murder. He replied, "I am quite innocent." That in outline is what the Crown desired to lay before the judge and jury at

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that stage of the case. One of the questions that might arise in their minds, however, was that of motive. His lordship would guide them about the law in that case, and they would accept the law from him, but counsel thought that the learned judge would tell them upon that part of the matter that motive was immaterial from one point of view, that it was no part of the duty of the prosecution to supply to the jury a satisfying, adequate, or indeed any motive. The springs of human conduct, members of the jury, were many times beyond all human divining, and were hidden far from that region where the human eye could see or the human mind could extend. They might think that there never could be an adequate motive for murder, but the question might be raised in their minds in the way he had indicated. They might think that the facts and the circumstances in that case pointed to the conclusion—that for some reason the accused desired the charred remains of that unknown man to be taken for his, and that when he had emerged out of that hedge at that hour in the morning and had been seen by two young men, the plan or design might have miscarried. “My car, my identification numbers, a dead body, and I—I alone—seen on this road” So he might have thought, and it might be that they would think that any original plan had certainly miscarried.

Mr. Norman Birkett reminded the jury that he had said to them at the outset of that case and in the discharge of his duty he repeated it as he concluded, that it required no argument, no appeal to them by anybody, to tell them that the duty of the Crown was to satisfy them beyond all reasonable doubt. He accepted that duty. He accepted that task. If at the conclusion they were not satisfied beyond all reasonable doubt it was no gift they made to the accused when they gave him the benefit of the doubt; it was his right. I should submit, however, that the force of that evidence, the conclusions to be drawn, when viewed dispassionately and with the single desire to see that the law was fairly and justly administered, would drive them to the irresistible conclusion that that charge was indeed made out, and that their verdict in that case should be one of “Guilty.”

## Evidence for the Prosecution.

ARTHUR VERNON ASHFORD, examined by Mr. ELWES—I am a qualified chemist and photographer, and I live at Far Cotton, Northampton. On 6th November, at a quarter past eight, I went to Hardingstone Lane and took some photographs of a burnt car. Exhibits Nos. 1, 2, 3, and 4 are the photographs I took.

Cross-examined by Mr. FINNEMORE—I had heard about a burnt-out car being near Hardingstone before I went there in the

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morning. I would not say it was common talk at that time in the morning, but I heard it. There was no police officer there when I got there.

And anybody passing could do anything they liked to the car? I mean, there was no one to stop them?—I was there for about eight minutes. Some people passed us on the road whilst I was taking the photographs.

Do you remember, when you got there, were there any other people actually by the car or not?—Yes, there were about two. While I was there some others came along. When I left, which would be a little before half-past eight, there were other people looking at the car and I left them there. There was no police officer there at that time.

There was, of course, no suggestion at that time that there had been a murder or anything of that sort?—No.

When you took your photographs you arranged some of the material in what you thought to be the most effective way?—No.

What?—I never arranged—

Well, you altered something?

By Mr. JUSTICE TALBOT—That is important. Did you alter the car before you took your photographs?—I know I took one as soon as I got there and as soon as I saw the car.

It is a plain question. Did you make any alteration? Did you move anything and place it in a different position?—Not in the first photograph.

*Cross-examination continued*—I know that, but you did alter some of the things for some of the photographs?—Only one. It was the steering wheel. (Shown Exhibits Nos. 3 and 4.) There is no steering wheel on the steering column in those photographs.

Where did you find the steering wheel, do you remember?—I think it was just projecting by the side of the road, because I caught my foot in it.

By Mr. JUSTICE TALBOT—What do you mean by projecting? Was it lying on the ground below the car, do you mean?—Yes, below the car. I hung it on the steering rod.

*Cross-examination continued*—(Shown Exhibits Nos. 1 and 2). You put it on the steering column, or whatever you call it. Was that to make a more effective photograph?—Yes, that is right. I did not look among the debris to see if there were other things of that sort; I had not time. I never touched anything else.

(Shown Exhibits Nos. 2 and 3). Am I right in suggesting that in Exhibit No. 3 there is a big branch of a tree right along the back of the car?—That is right.

I am suggesting that that is not present in No. 2?—It is not present in the picture.

It is not there at all?—The reason why is because, owing to the focus of the lens, it would not show.

By Mr. JUSTICE TALBOT—At any rate, you say you did not move that at all?—No, I never touched it.

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*Cross-examination continued*—(Shown Exhibit No. 4). It is not there either.

It must have been moved by you or somebody while your photographs were being taken?—It is the first time I have noticed that.

If you did not move it somebody else must have moved it while you were taking the photographs, because it is in some and not in others?—Yes. They were all taken within five minutes.

So that even in that five minutes, while you were taking your photographs, somebody was apparently there moving things about?—I cannot say that.

By Mr. JUSTICE TALBOT—But you must say. Just carry your mind back. You were five minutes taking these photographs?—Five to seven minutes.

While you were taking them, was anybody close to the car?—Yes.

*Cross-examination continued*—They may have altered anything then?—Yes.

Mr. JUSTICE TALBOT—It is quite obvious that there is no security either that the car was left alone when the police went or that it remained as this gentleman found it until he left.

*Cross-examination continued*—(Shown Exhibits Nos. 3 and 4). In Exhibit No. 4 there is something on the left-hand side projecting from it which does not appear in Exhibit No. 3?—I do not know what it is; I did not examine that at all.

Somebody must have moved that while you were there?—Yes.

Mr. JUSTICE TALBOT—It seems to me, once you have got that, anything may have been moved between the time he got there and when he left; the rest is comment.

Re-examined by Mr. NORMAN BIRKETT—You told my lord and the jury that when you were there there was no police officer there?—No.

At that time were you instructed to go and take the photographs?—Well, I heard about—

Did you do it as your own idea?—Yes.

They are not official photographs in any sense of the term. What is your occupation?—Photographer and chemist. I took the photographs to send to the London press. As I have already said, when I was there taking the photographs there were no police officers present, but there were members of the public there, over whom I had no control. I was not conscious that anybody had moved a branch of a tree during the time I was there. I never saw anything moved except what I moved myself, namely, the steering wheel.

EDGAR TIFPLESTONE, examined by Mr. ELWES—I am an assistant photographer employed by Mr. Ashford. On 12th November I went to Hardingstone Lane at eleven o'clock in the morning, and took nine photographs. (Shown Exhibits Nos. 5, 6 and 7.) In those three photographs I covered the stretch of



The burnt car, showing steering wheel on column  
(Exhibit No 3)

## Evidence for Prosecution.

Edgar Tipllestone

road from Hardingstone village to where Hardingstone Lane joins the main road. Exhibit No. 7 is the last picture with the main road at the end of it. Northampton is to the right and Stoney Stratford to the left. (Shown Exhibits Nos. 8, 9 and 10.) Those photographs show the same stretch of road photographed in the opposite direction. Exhibit No. 8 is taken standing on the main road from Northampton to Stoney Stratford. (Looking at Exhibit No. 7.) In the distance of No. 7 can be seen the place where I was standing when I took Exhibit No. 8. To take Exhibit No. 9 I stood where the road finishes on Exhibit No. 8. I photographed No. 10 in the same way. (Shown Exhibits Nos. 11, 12 and 13.) Exhibit No. 11 is a photograph of a gap in the hedge. Exhibit No. 12 is a photograph of another gap. Exhibit No. 13 is a photograph of two more gaps close together.

Cross-examined by Mr. FINNEMORE—Exhibit No. 10 was taken from where the road ends in Exhibit No. 9. That is a little farther towards the village of Hardingstone than where the car was burned. It will be about 10 or 12 yards nearer to Hardingstone village than where the actual fire occurred. I should say that from where the car was burned one can see quite clearly Hardingstone village.

REGINALD WALLIS TATE, examined by Mr. NORMAN BIRKETT— I am assistant surveyor to the Northamptonshire County Council. On 8th November I visited Hardingstone Lane and took certain measurements. I produce a plan which I prepared of the lane, which is Exhibit No. 14. It is drawn on the scale of 1 foot to 500 feet; it is a correct plan and is true to scale. It is a plan of Hardingstone Lane showing the junction with the main road to Northampton and Stoney Stratford. If it were continued upon the right it would show Hardingstone village. The road is a Ministry of Transport district road. It is not numbered by the Ministry of Transport like the main road, for example, which is numbered A508. The carriageway is indicated by two dotted lines. On the left of the carriageway, on the south or bottom side of the plan, the blank between the carriageway and the hedgerow is grass verge. The last line which I have drawn there on the south side is the hedge which guards the long field on the south side of the road. I also show on the plan a side hedgerow at right angles, which is the only one between the main road and the end of the plan. The road averages about 18 feet in width. The grass verge upon the south side varies, but it averages about 30 feet.

In the hedgerow upon the south side I have shown several large trees, and I have also indicated gaps in the hedge. Starting at the corner, I first of all show a signpost, which is marked "S.P." With regard to the hedge by the signpost, it is a very thin hedge. The ground at that point is fairly level, but slightly

# Alfred Arthur Rouse.

Reginald W. Tate

higher in the field. Between the field and the hedge and the grass verge there is an old ditch, not a well-defined ditch. That is 11 feet further towards Hardingstone than the signpost. As you go along there are two trees with a gap between, which is fenced. You then go along until you pass telephone post No. 18, when you come to another gap. That gap is apparently not fenced. You then come to telephone post No. 17 with two lines across the grass verge from the road. That is to show there is a gravel entrance. Proceeding on past the trees until you come to telephone post No. 15 there is a little gap there past the tree, and then going still further along there is another gap. Before you get to telephone post No. 14 there is a gate. You next come to telephone post No. 13, and there is a gap in the hedge near to that, just before you get to it. Exhibit No. 13 shows that gap. Proceeding further you come to telephone post No. 12, where there is another tree. Exhibit No. 12 is a photograph of the gap in the hedge by telephone post No. 12 shown on my plan. Then midway between telephone posts 12 and 11 there is another gap shown on the south side. Exhibit No. 11 is a photograph of that gap. On my plan I have put four crosses just by telephone post No. 12. That is the place that was pointed out to me as the place where the car was burned. When I made the plan there were evidences of burning at that spot. Going from that spot towards the main road to the left there is another cross just on the grass verge. The distance from that small cross to the four crosses is  $15\frac{1}{2}$  yards. (Small cross indicating place where mallet was found.) The distance from the four crosses to the main road is 624 yards. There is also a cross just by telephone post No. 14. The distance from the four crosses to that cross is 130 yards. At that point I noticed it was impossible to see the car. That is why it is indicated on the plan. Proceeding further towards the main road there is another cross by a gate in the hedge. The distance from the four crosses, the place where the car was burned, to that cross is  $161\frac{1}{2}$  yards. From that last cross I have referred to, by the gate, to the main road I should not imagine that it is possible at any place on that stretch of road to see where the car was.

If you proceed from the main road and go past the place where the car was burned you will then come to Hardingstone village. When you get to Hardingstone village, if you turn to your right, you carry along a road which goes to Northampton, the Newport Pagnell road. The distance from the junction of the Northampton-Stoney Stratford road to the junction of the Northampton-Newport Pagnell road is 1941 yards. If you are coming from Northampton you will meet upon your left hand the road that goes down Hardingstone Lane. If you do not take that turning, but continue straight on, you will come to a fork in the road where it forks to the left to Newport Pagnell and goes straight on to Stoney Stratford. The distance from the junction at Hardingstone

## Evidence for Prosecution.

Reginald W. Tate

Lane to the Newport Pagnell fork is 1300 feet. Where you turn off the Newport Pagnell road to go down into Hardingstone, to go through the village, it is a district road. By that I mean it is not an important road; it is a similar road to Hardingstone Lane..

Cross-examined by Mr. FINNEMORE—If anybody is coming from London along the Newport Pagnell road to Northampton they turn to the right either sharp at Hardingstone or when they reach the Stoney Stratford road. If you turn a little too soon that takes you straight into Hardingstone village, along Hardingstone Lane, and on to the Stoney Stratford road. If you do not turn right into the road going to Hardingstone village you go on further and swing right. When you reach that corner there is a signpost saying, "To Hardingstone." There is no notice going direct on saying "To Northampton," or any other notice in either way. That road which leads through Hardingstone is the road along which the telegraph wires go. I also think they go along the main road. At any rate, they do go from the main Newport Pagnell road to the right to Hardingstone village and through the village. They then go along Hardingstone Lane into the Stoney Stratford road.

Hardingstone village is a largish village with between 800 and 1000 inhabitants. From the place that was pointed out to me as the place where the car was burned, Hardingstone village is 159 yards. That is to the nearest house. On my plan I go just beyond the nearest house, which is on the north side of the road at the end of the plan. The district road that I referred to has quite a good surface. It is the regular bus road for local services. The Newport Pagnell buses go up the main road and avoid Hardingstone, but there are buses which serve the village of Hardingstone which go by the district road. The grass verge at some places is about 30 feet. At the junction of the Hardingstone Lane and the Stoney Stratford main road it is about 20 feet.

Re-examined by Mr. NORMAN BIRKETT—Coming from London to Northampton, when you reach the signpost "To Hardingstone," that merely indicates that there is a village up that road. The fingerpost is at the place where it goes off from the main road. The local bus service along that road through Hardingstone does not run after ten o'clock.

ALFRED THOMAS BROWN, examined by Mr. NORMAN BIRKETT—I am a case-repairer, and I live at Coldstream Lane, Hardingstone. On the early morning of 6th November I was walking from Northampton along with William Bailey. We were coming from a dance. I remember coming up from Northampton to the junction of the road which branches off to Hardingstone Lane. I think it would be about a quarter to two when we got to the junction of that road. It was a bright moonlight night. We



# Alfred Arthur Rouse.

Alfred T. Brown

were walking on the footpath on the left-hand side of the Northampton road. When we got to the junction with Hardingstone Lane I saw a glare in the direction of Hardingstone. I could not judge how far it was away. I saw a man coming out of the ditch there. (Shown Exhibit No. 8.) I see the signpost at the corner in that photograph. I also see the telephone post. I first saw the man about 4 yards towards Hardingstone from the signpost. When I first saw him he was climbing out of the ditch. I noticed that he was wearing a light mackintosh and had no hat on. He was carrying an attaché case in his hand. (Shown Exhibit No. 20.) It was a case like that. Mr. Bailey and I walked a few yards, and as we saw that the blaze appeared to be getting brighter we ran down towards Hardingstone. The man whom I saw climbing out of the ditch walked on towards the main road. We passed him. He did not say anything to us as he passed, and we did not say anything to him. We ran up the lane.

Did you say anything to your companion, or did he say anything to you?—William Bailey said, "What is the blaze up there?" The man said, "It looks as if somebody has got a bonfire up there." I identify the accused as the man we saw.

After that remark had been made by the accused, what did he then do?—He walked a few yards in the direction of Northampton; he stopped and walked a few yards in the direction of Stoney Stratford, and then stood still, and that was the last I saw of him. Bailey and I went on to Hardingstone Lane in the direction of the glare which we had seen. When we got further along the road we saw a car all in flames. It was facing towards Northampton, on its right side of the road, the left-hand side. There is a grass verge on the left-hand side of the road coming towards Northampton.

How was the car on the road in relation to the grass verge?—It was pulled up as if it had been pulled up ordinarily. By "ordinarily" I mean it was close to the grass verge, but not on the grass verge. I should think the flames from the car would be 12 to 15 feet high. The heat was intense.

How near did you go upon the first occasion to the car?—The opposite side of the road. I could not see anything about the car when it was blazing; I could not see whether there was anybody in the car. I ran and fetched Police Constable Copping, the local constable. William Bailey fetched his father, who is the village constable. I went back to the scene with Police Constable Copping. Bailey and his father were there when we got there.

Did you make a close inspection of the car after you returned with the police constable?—We had a good look round it.

What was the condition of the burnt car then?—Well, it was all collapsed. There was just the chassis. The flames had died down a lot when we got back.

Were you able to distinguish anything in the car?—Yes, we

## Evidence for Prosecution.

Alfred T. Brown

saw the body. Police Constable Copping then took charge and made an examination.

Cross-examined by Mr. FINNEMORE—When you were walking up the road towards the corner of Hardingstone Lane, were you and Bailey walking on the edge of the path or on the grass verge?—I could not say; I do not remember.

As you got near to the corner, did both of you come out and walk on the road?—As we got to Hardingstone Lane we came off the footpath on to the road itself, intending to turn left to Hardingstone.

It was, as you have said, a bright moonlight night. You would be perfectly visible there to anybody on the grass verge further up Hardingstone Lane?—We would be in full view of anybody in Hardingstone Lane when we got to the corner.

And, of course, the accused, if he was there on the grass verge, could see you?—If he had been out on the grass verge, yes. The grass verge is about 20 feet wide there, I think, but I have not measured it.

Do I understand you to say that the accused came across the grass verge on to the road and right up close to you?—Yes. After he got on to the road close to us, he then went on past us towards the main road.

Almost as if he was going to speak to you first, and then changed his mind and went on instead?—No, he walked straight away.

But he came towards you first?—No, he walked straight up as soon as he got on to the road.

At any rate, he got on to the road and turned to his left and went past you. Was it after he had passed you that your friend, Bailey, said something to you about the blaze?—It was just before he got to us.

Then he went past you, and he had got, I think you said, 15 or 20 yards past you when apparently he shouted back to you?—Yes, he shouted back what I have said. It struck me as a very strange thing for the man to shout.

Am I right in saying that the manner and the way he shouted struck you as being strange?—A man not being spoken to answering us like that, it did seem rather strange.

Particularly when you had got 15 yards or 20 yards away from him?—Yes.

As soon as the accused had gone past you, you turned round to look at him?—Yes.

Did he look strange apart from the way he shouted? Is that what caused you to look round?—No; what made us take more notice was to see a respectably dressed man with no hat on.

Then you followed him, with your eye, up to the corner?—Yes.

He turned first to the right, to Northampton?—He turned

# Alfred Arthur Rouse.

Alfred T. Brown

first towards Northampton, and then to the left towards Stoney Stratford.

And then stopped altogether?—Stood still.

As if he did not know where to go?—As though he hesitated as if he did not know which way to go.

The fire was put out with water? Did you help?—Yes.

When did you leave it after the fire was put out?—I could not say what the time was, but Inspector Lawrence and Police Constable Valentine came up.

They had come up then?—Yes.

About what time was it?—It was exactly ten minutes to two when I passed the car.

And what time was it when you left it?—I could not say the time. I have no idea.

Did you go back to the car?—I passed it on my way to work about 25 minutes to seven.

Were a good many people looking at it then?—I could not say.

Did you not see it again?—Not until I came home from work at night.

Was it still there?—No, it had been taken on to the grass verge. That was about five minutes to five.

Was anybody there then?—There was a police constable, and two or three men.

Do you remember when you passed the car at twenty-five minutes to seven if it was on the grass verge then?—I could not say whether it was on the grass verge then or not.

Re-examined by Mr. NORMAN BIRKETT—When you were walking up on the footpath from Northampton, what was the point at which you had become visible to a man climbing out of the ditch?—I should think when we got to the wall that runs down on the right-hand side of the path coming from Hardingstone. That would be actually at the corner.

At the moment you could be seen at the corner he could be seen by you?—Yes.

Had anybody passed you on the road as you came up from Northampton before you got to the corner?—No, but just before we got to the corner a little car passed us.

Were the headlights on?—Yes, it had the lights on. That was just before we got to Hardingstone Lane corner.

You told my learned friend that you were impressed by the fact that the man you saw was respectably dressed. In what way were you impressed by that fact?—When you go home at that time in the morning you do not usually see well-dressed men getting out of the ditch.

Was it the fact of the well-dressed man coming out of the ditch that impressed you at the time?—Yes.

# Evidence for Prosecution.

William E. H. Bailey

WILLIAM ERNEST HEDLEY BAILEY, examined by Mr. ELWES—I live at Coldstream Lane, Hardingstone. I remember on the early morning of 6th November last being with the last witness Brown coming home to Hardingstone from Northampton. As we walked along the path before we got to Hardingstone Lane crossing I remember a car passing us on the road.

Can you remember, was it one car or more?—No, I cannot remember whether it was one or more cars, but I think it was only one.

By Mr. JUSTICE TALBOT—There was nobody on foot, and you think one car?—That is right.

*Examination continued*—It was just before we got to Queen's Cross that the car passed us. I should say that would be roughly about 50 yards from the Hardingstone corner. When we got to the corner I noticed a man. When I first noticed him he was in the ditch. He came towards us from the ditch across the grass verge. He came on to the road.

Then what happened?—He walked past us to the corner, and I turned round and looked at him. He said, "It looks as if somebody has got a bonfire up the road."

Had you or Brown said anything before that?—I said to my cousin, "What is the blaze?"

By Mr. JUSTICE TALBOT—Before you turned round, you mean?—Before I turned round.

The man who said, "It looks as if somebody has got a bonfire up the road" was that man there (indicating the accused)?—Yes.

*Examination continued*—I was about 15 to 20 yards away from the accused when he said that. He was standing on the corner at the time.

Did you see what he did?—He appeared to look towards Northampton and then to Wooton. Wooton is on the way to Stoney Stratford. The last I saw of the man was when he was standing at the corner on the main road.

By Mr. JUSTICE TALBOT—In other words, he went a bit of the way towards Northampton and then came back to where he had started and stood there?—Yes.

*Examination continued*—I then ran up Hardingstone Lane with my cousin and we found a burning car.

Cross-examined by Mr. FINNEMORE—As we were walking up the Stoney Stratford road we were walking about the middle of the road, I should think.

Did you not say before, "When we got to the corner of the Hardingstone Lane we both walked in the carriageway near to the grass verge"? Did you go out into the road just before you reached the corner?—Yes, we crossed on to the road from the main road path into the Hardingstone Lane.

Before that did you not say, "Coming from Northampton up-

## Alfred Arthur Rouse.

William E. H. Bailey

the main road Brown and I walked on the path on the left-hand side of the main road"? Is that right?—Yes.

When you got to the corner and the accused was further up Hardingstone Lane, it was quite plain for him to see you two standing right out on the road?—No; we were on the path. He was on the road.

I thought you said you had stepped into the road at the corner?—Yes. I thought you meant coming up.

When you got to the corner you walked right out on to the road?—Yes.

And, of course, you would be plainly visible, as you got out on to the road, to anybody in Hardingstone Lane?—Yes.

The ditch to which you refer is a small one, is it not?—Yes; it is deeper at the corner.

It was further up that you saw him?—Yes, a little way.

It is just a little drop in the grass verge towards the hedge?—Yes, that is right. It is a not a deep ditch.

And the man you saw came right across the grass verge into the road, and then along past you to the corner?—Yes.

And, no doubt, when he turned round and shouted after you you had gone 15 or 20 yards from him and were somewhat surprised?—Yes.

And apart from what he shouted, the way he shouted struck you as being strange?—Yes, it did.

I do not know whether you can tell us this—did he sound hysterical?—I thought he did at the time, but since hearing his voice I think it was his natural voice.

But it certainly struck you at the time?—Yes.

Then when he got to the corner he went first one way and then back the other way?—Yes.

And I think the last you saw of him was him standing there?—Yes. Brown and I then ran up to the car. I heard the accused speak the first day he came before the Police Court.

Was that when he was making a protest about not having his clothes?—Yes.

He was rather excited or agitated then, was he not?—I did not notice it.

When you heard him in Court he was complaining, was he not, that he had not got his own suit?—Yes. When we got up to the car and saw that it was a car burning I went for my father. I came back with him, and I was there for quite a long time. The whole of the car had collapsed, except the chassis itself, in a burning mass on to the roadway. I did not at any time take any part in the search for things which were there. I saw that there was somebody inside the car. I was present when the police examined the car and got things together, but I was not present when the car was moved on to the grass verge. I did not touch anything in the car at all myself.

## Evidence for Prosecution.

William E. H. Bailey

Did you see anybody else moving anything in the car while you were there?—I saw the police looking at it.

But did you see them moving anything?—They were naturally seeing if things were all right.

Re-examined by Mr. NORMAN BIRKETT—As I have already said, we came up about the middle of the footpath on the road from Northampton, and we first left the footpath for the carriage road right on the corner at Hardingstone Lane. We had seen the accused before we left the footpath for the road. He was in the ditch near the hedge at that time.

You have been asked about that ditch, or the hedge bottom, or whatever it might be called. Could a man crouch in it? What kind of depth is it for a crouching man?—I do not think a man could crouch in it, but he could lie in it.

And if he was lying in it would he be visible from the road, or would he be hidden?—Hidden.

You were asked by my learned friend whether the man's voice was hysterical. How long had you been in his sight before he gave utterance to the one sentence you have told us about? What had you done from the moment you first saw him where he was to the moment he began to make this one sentence you have told us about?—We saw him coming out of the hedge, and we met him as he came off the grass verge. We walked about 20 yards up the lane, and he was on the corner then. It would be perhaps 20 seconds.

And the only thing he ever said at any time was this one sentence?—Yes.

What was the nearest you were to him?—When he passed us coming off the grass verge.

Had he an opportunity of speaking to you then?—Yes.

It was when you were past that this sentence was given?—Yes.

HARRY BERTIE COPPING, examined by Mr. NORMAN BIRKETT—I am a police constable in the Northamptonshire Constabulary, stationed at Hardingstone. I remember the morning of 6th November last when I received a message from Alfred Thomas Brown at about 2 a.m. On receiving that message I went with Brown to a spot about 150 yards from the village of Hardingstone. I there saw a car standing in the lane. It was blazing furiously. It was on its proper side of the road, close to the grass verge, but not upon it. It was facing Northampton. It was all ablaze. I was only able to get to about three yards of the car at that time. The flames would be about five to six feet in height, and they seemed to extend almost all over the body, but not the bonnet. Both Mr. Bailey and Mr. Hedley Bailey, the parish constable, were there when I arrived.

And getting as near as you could to the fire, were you able to distinguish anything?—I could distinguish a body in it.

# Alfred Arthur Rouse.

Harry B. Copping

In the flames?—Yes. I sent Hedley Bailey at once for Inspector Lawrence.

But what was done, if anything, with regard to the fire which was then raging?—We got buckets of water from the village as quickly as we could and put it out. We extinguished the flames altogether. That would take, I should think, about ten to twelve minutes. The car was a Morris Minor saloon.

And when the flames were extinguished what was the general state of the car?—It was almost completely burned out.

I want to ask you, first of all, to tell me quite carefully the position of that body which you saw in the car when you saw it?—It was face downwards, the head in the driver's seat.

Where was the trunk?—The trunk was across the other seat.

What about the right arm?—It appeared to be stretched over the back of the passenger's seat, the front seat, but it was burned off at the elbow, and you could see the bone.

What about the left arm?—I could not see that.

The left leg?—That was doubled up underneath the trunk.

And the right leg?—That appeared to be extended, but burned off at the knee.

What about the doors of the car when you got there? Were they closed or open?—I was not able to tell that. It was burned too much.

So much so that you were unable to tell whether the doors had been open or closed?—Yes.

(Shown Exhibit No. 26—the charred heel). Did you find that?—I did.

Where did you find it?—Six inches to the left of the left-side running board, in a line with the driver's seat.

Was it on the carriageway or on the grass verge?—Just on the grass verge.

But in a line with the driver's seat?—Yes.

If I may use neutral terms, it is a heel, charred by burning, of a boot or shoe?—Yes.

Amongst other things, did you there see a petrol can?—Yes. (Referring to Exhibit No. 27.) That is the petrol can I saw. It was in the same condition as I see it now, without a filler cap and without the brass ring on to which the filler cap screwed. It was also without a handle.

Where was that can when you first saw it?—It was in the passenger's seat, immediately behind the driver's seat.

When the fire had been extinguished by water, what had happened to the body of the car and the bottom of the body of the car? Was that intact, or had it collapsed, or what?—It had collapsed. The contents of the car were resting on the road itself among the debris. Exhibit No. 1 shows the state in which I saw the car when the fire had been extinguished.

As to the petrol can which you found, was that resting among the debris on the ground, or where?—It was suspended between

## Evidence for Prosecution.

Harry B. Copping

the back of the front seat and the front of the back seat. It could not fall down. There was not space for it to fall through on to the floor.

In what position was the petrol can when you first observed it?—Standing the proper way up, with its burst side away from the driver's seat, pointing to the back of the car. There was no petrol in it. I noticed the bonnet of the car. It comes down on both sides. I noticed that they were closed.

There are fasteners upon a car to fasten the sides of the bonnet down. Did you observe those?—I did not try to unfasten them. I looked at them.

What did you observe?—They appeared to be closed.

On both sides?—Yes.

You did not lift them up and examine them, I gather?—No. I noticed the side of the road where the car was standing. There was a quantity of loose sand and gravel there. Exhibit No. 10 is similar to the condition of the road as I saw it. I noticed wheel marks in the gravel. They were practically up to the grass verge.

Was there any mark that you could discover of skidding, or anything of that nature?—None whatever.

Where did the wheel marks appear to come from which you saw?—The direction of Hardingstone village.

Were there any wheel marks in front of the car, so far as you could see?—No. The off front tyre was intact. The rear one was completely burned. (Shown in Exhibit No. 2.) The near side front tyre was partially burned on the top, the bottom part being preserved. The rear tyre was completely burned. I did not make an exhaustive or detailed examination of the debris at that time. I stayed with the car until Inspector Lawrence and Police Constable Valentine came. They arrived just after three, but I could not say to a minute when they came. I was there roughly for an hour before they arrived. During that time there were only the two Browns and the two Baileys. Apart from those there was nobody else present. No one touched the car at all before the arrival of Inspector Lawrence. I did not go away for some time after Inspector Lawrence arrived at about ten minutes past three. I stayed whilst they made a search; then I went away and came back again. I got back about twenty minutes to five, I should think, in the morning. Inspector Lawrence and Police Constable Valentine were still there. I left about a quarter to six. I was back again at seven o'clock, and I stayed until a quarter to nine. Sergeant Harris was not there when I left. When I came back at seven o'clock and stayed until 8.45 I searched more carefully among the debris of the car and I found Exhibit No. 28 (two brace buckles). They were lying loose. I also found Exhibit No. 29 (a belt buckle). I found Exhibit No. 30, which is a petrol can brass screw union. I cannot tell from the fragments whether it is complete if assembled,



# Alfred Arthur Rouse.

Harry B. Copping

but at any rate that is what I found. It was in pieces like that when I found it.

Does it appear to have been fused in any way by heat?—Yes, it does. I also found Exhibit No. 31, which is the portion of a brass screw cap for the union of a petrol can. I was present at 1 p.m. on the 6th of November when Sergeant Harris was there, and I saw him searching the grass at the side of the road. I was assisting him. I was present when Sergeant Harris picked up a mallet. (Shown Exhibit No. 32.) That is the mallet I saw him pick up.

About where was that mallet picked up in relation to the front of the car?—Fourteen yards from the front of the car in the direction of Northampton.

And about how far from the actual grass verge where the carriage road and the grass verge unite?—About four feet, I should think.

What was the state of the grass upon the grass verge round about there?—It was rather rough.

At the roots of the rough grass what was the state of the soil? Do I make my meaning clear? Was it dry and firm, or damp, or dusty, or what was its state as you walked upon the grass verge?—Rather damp.

Did Sergeant Harris upon finding the mallet point out anything to you which you then observed?—Yes.

What was that?—Some hairs on the mallet.

Before I got to that; as to the place where the mallet was resting, did you see that yourself?—Yes.

What do you say about the place where the mallet was resting?—The mallet had not been there long.

Why do you say that?—Because of the impression that was left on the grass. It was a recent impression. I saw the ends of the mallet. Sergeant Harris pointed out to me some hairs that were sticking to the end of the mallet. He handed the mallet to me and I took it home to my lodgings. I took it home a few minutes after he gave it to me. It only remained there about a quarter of an hour, I should think. I then took it in to Angel Lane Police Station, Northampton, and gave it to Superintendent Brumby. I was not present when it was handed to Dr. Shaw. The last I saw of it was when I gave it to the Superintendent.

During the time it was in your custody did you take any particular care of it?—Yes.

What particular care did you take of it? What was your idea?—To keep it covered up.

In order to do what?—To preserve the hairs on it as we had found it. It was bright moonlight in the early morning. From the time I went away, shortly after three o'clock, until I came back at twenty minutes to five Inspector Lawrence and Constable Valentine were there in charge of the debris. They were both there when I came back.

## Evidence for Prosecution.

Harry B. Copping

By Mr. JUSTICE TALBOT—When you came back at seven o'clock in the morning?—When I left just after three and went back just before five they were there during that time.

*Examination continued*—Then you went away and returned at seven o'clock?—Yes.

Were they there whilst you were away?—Not that time.

Did they leave with you?—They went to Northampton and I went home.

By Mr. JUSTICE TALBOT—Then, so far as you know, there was no police officer there between a quarter to six and seven o'clock?—That is so.

*Examination continued*—After seven o'clock were there many members of the public there where the car was?—Not a lot. There were a certain number.

You were there from seven o'clock till a quarter to nine. Were you there when Mr. Ashford took the photographs of the car which he says he came along and took at 8.15?—Yes.

From a quarter to six to seven o'clock, so far as you know, there was no police officer there?—No.

But the photographs were taken by Mr. Ashford about 8.15, and you were there?—Yes.

Did you move anything for him with regard to the taking of the photographs?—No.

Did anybody, so far as you know, move any parts of the car or anything else in order to allow the photographs to be taken?—No.

By Mr. JUSTICE TALBOT—You would not have allowed anybody to move them, would you?—No.

Cross-examined by Mr. FINNEMORE—Are you quite sure you were there when Mr. Ashford took these photographs?—If it was at 8.15.

I am not asking you that. Are you sure or not that you were there at any time that morning when Mr. Ashford took these photographs?—I was there when somebody did.

Will you look at the photographs? Perhaps they will help you?—I did not know Mr. Ashford by name.

Did you see anybody take any photographs?—Yes.

Let Mr. Ashford stand up and see whether you identify him or not (Mr. Ashford stood up in Court)?—Yes, I saw him take some.

Where were you then?—I was in plain clothes. That was at 8.15. I went home at 8.45. I was back again between eleven and twelve—probably just after eleven. I was in uniform then. I did not say anything to Mr. Ashford when he started to take photographs. I could not say how many people were there when he took the photographs.

By Mr. JUSTICE TALBOT—I understand that you remember him taking some photographs. You did not know him by name, but

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you remember him taking the photographs?—Yes, I am quite clear about that.

*Cross-examination continued*—I saw him there with his camera. It was a big camera. There were other people about the car at the time, but they were not touching the car or interfering with it. If anybody had interfered with the car at that time, or touched it, I would have stopped them. I did not see Mr. Ashford himself make an alteration of the car.

How did you miss it if, in fact, he did?—I might have been searching the ashes on the road.

But you had moved the car at that time on to the grass verge?—We moved it early in the morning on to the grass verge.

And the debris had been moved from the road on to the grass verge?—Yes.

What do you suggest you would have been searching for which would have prevented you seeing Mr. Ashford make an alteration of the car?—Ashes on the road where the car was burned.

That was within a foot or two of it?—Yes.

(Shown Exhibits Nos. 2 and 3.) You see in one there is the steering wheel on the column and in the other there is not?—Yes.

Mr. Ashford could not have put that on there without you seeing it, if you were there?—It was possible.

Why?—If I had my back to the car.

Do you mean that you would let him go there and alter things and you might not have seen it?—I knew he was taking photographs for the police.

For the police?—Of the car for official purposes.

Why did you say you knew he was taking them for the police?—Well, for official purposes. More or less he had a right to take them.

How did you know that he was taking photographs for official purposes?—I took it he was.

Did you ask him?—No.

In fact, he has told us he was not; he was doing it for the press?—I took it that he was doing it officially.

(Shown Exhibits Nos. 3 and 4.) Do you see in Exhibit No. 3 there is no branch of a tree and in the other there is a branch there. Do you think it is possible that that might have been put there without you seeing it if you were there?—It is possible.

If you were there on the spot in charge?—I was not necessarily in charge.

I thought you said you would have stopped them?—I should, if I had seen them. If I was on the road with my back towards the car, it is possible it did happen.

Somebody must have put that branch there?—That branch was used to remove the body earlier in the morning.

If you look in one photograph you can see it is not there quite plainly?—

MR. JUSTICE TALBOT—I am really quite satisfied that, what-

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ever may be said, we cannot have any security that the position of nothing in that car or nothing about it was altered during the morning.

*Cross-examination continued*—At that time you did not attach any particular importance to the position of any particular thing?—Not at that time.

You were not suspecting that anybody was going to be charged with murder at that time?—Not at that time.

And was that why you did not trouble whether things were altered or not?—Things were not altered.

You mean that you did not see them altered?—That is it.

If they were altered, and you did not see or stop anybody doing that, that was because you did not attach importance to it at the time?—Not so much importance.

And when you first saw it you did not attach very much importance to it?—I let nothing be moved until the inspector came.

That is not quite what I asked you, but you did not attach importance at that time to the position of the body, for example?—A certain amount of importance, but not so much importance as I should have done perhaps.

What you said before was that you did not think it was important at the time, and, therefore, you made no note about it?—I made no note, because at that time I did not think it was important.

And you did not think the position of the articles in the car important at that time?—I did not make any notes of them.

You did not make any notes again because you did not think it mattered?—Not that it did not matter.

For example, let me put one point about the petrol can. First of all, the whole of the floor of the car had collapsed to the ground?—It was ashes on the floor burning. The debris was piling up on the road.

Do you remember saying before the magistrates that the petrol can was immediately behind the front seat?—It was suspended between the back of the front seat and the front of the back seat. There was not room for it to fall through to the road.

The sides and the interior of the car had all collapsed?—Yes. There was just the framework, the metal part, left.

About the bonnet, did you take particular notice to see whether the bonnet was clipped down or not?—Yes, it appeared to be clipped down; the off-side certainly was.

Mr. JUSTICE TALBOT—He said he did not try the fasteners. All he said was that they looked as if they were fastened.

*Cross-examination continued*—Did you say to the magistrates, without any qualification, that the bonnet was clipped down on both sides?—Yes.

That is what you honestly thought at that time?—That is so. Have you subsequently learned that Police Constable Valentine,

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who gave evidence after you in the Police Court, said it was only clipped down on one side?—

Mr. JUSTICE TALBOT—If you are going to rely on that difference, you will have to put the depositions in, otherwise the jury will not be able to pay any attention to it.

Mr. FINNEMORE—Very well, my lord.

*Cross-examination continued*—Do you really say that you have not heard since that Police Constable Valentine said that only one side was fastened down?—I was shown a photograph here at the last hearing, which showed that it was undone.

I show you that photograph, and I point out to you that in that photograph the clips were undone?—One clip.

Very well; one, if you like. Did you give the explanation then that that might have been done by a passer-by after you had seen it?—It might have been, but it was not like that when I first got there.

Have you not heard since that Police Constable Valentine said that only one side was clipped down? Do you not really know that he has said that?—He has not said it to me.

I do ask you to be frank. Do you not really know that he said it in Court before the magistrates?—Yes.

You do?—I have heard he has.

Why did you not tell me so at once when I asked you?—I thought you meant had he told me.

I asked you if you had heard that he said it. Has that affected your view about it now?—No.

You realise that it might be, in certain circumstances, a very important question?—Yes.

Did you see Police Constable Valentine when he came to open the bonnet or test it?—He opened the off-side of the bonnet.

He opened the off-side of the bonnet only?—That is all I saw.

You saw him do it?—Yes.

Did he shut it down again?—I do not remember that. He let it go down; I did not see him fasten it.

Then what did he do?—I did not watch every movement.

Is it right that you said then what you say now, that you saw Police Constable Valentine open one side—that is the off-side?—Yes.

Have you heard since that Police Constable Valentine said that he opened both sides?—No, I have not heard that.

Have you not heard that he said that?—No. I saw him open the off-side.

And you were still there while he was at the front of the car, were you not?—Yes.

Could you tell me who was the responsible officer for examining the position of the car and what was in it? Was it you, or Police Constable Valentine, or Inspector Lawrence?—Inspector Lawrence. He was the superior officer.

But did he actually make the examination, or did you?—I did not examine the car actually after they got there; I did not

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examine it after Inspector Lawrence came. He came about ten minutes past three. I did not make a search; it was just what I could see. I did not touch anything. Until Inspector Lawrence came I touched nothing.

I thought you said you made your search at seven o'clock?—Yes, that was after.

That is the very point I was putting to you when I asked you who was responsible for the search, and I understood you to say that after Inspector Lawrence came you made no search?—Not while he was there. After he had gone, yes.

Was your search at 7 a.m. what I might call a really close and careful search of the debris?—Yes, because it was light then. At the time he was there it was not light enough to see.

What I was asking was, why did you not tell me that at once when I asked you?—I thought you meant, did I help him search?

Did you help to remove the body from the car?—Yes.

About what time?—It would be just before four o'clock in the morning. Inspector Lawrence, Police Constable Valentine, and Parish Constable Bailey assisted in the removing of the body. After that I went and took statements from the previous witnesses, Bailey and Brown, and then I went home with them. I went back at twenty minutes to five. When I left the car was standing on the road, and when I got back it was still on the road. It was moved on to the grass verge soon after I got back. That would be within an hour after the body was removed.

I suggest to you that in the Police Court you said the body was moved and within a minute or two the car was moved on to the grass verge?—Yes.

Which is right?—We moved the body and then lifted the car off the road.

Had you forgotten all that when you told us a moment ago that you went home and took statements from Brown and Bailey, and it was still standing on the road?—Yes, I had forgotten.

That must be wrong?—Yes.

I gather that you made no note of that?—No.

About the moving of the car, how was it done?—We lifted it as best we could.

The four of you?—Yes.

You had to drag it I suppose?—Yes.

What did you do with the debris that was left on the ground? Did you pick it up or shovel it up?—We just left it there.

There were a number of things you had to move separately on to the grass verge. Surely many of the things were loose?—The spare wheel, that was all, I believe.

What about the mudguards? It is quite obvious, is it not, from Exhibit No. 3, that the mudguards had to be lifted separately?—Yes, they were moved separately.

And were not a whole lot of things moved separately?—Not a whole lot.

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What other things can you think of?—The spare wheel and the mudguards.

The steering wheel?—Just that round piece.

I know the spokes have gone?—Yes.

And the debris shown on Exhibit No. 2 had to be lifted off the road on to the grass verge?—Yes.

I am not really suggesting anything in the least wrong—and I do not see how you could have done it otherwise—but surely a lot of things had to be moved like that?—Yes.

Will you look again at Exhibit No. 2? You would have to shovel up all that debris or pick it up? I should think it may be parts of floor boards or something of that sort; you had to move all those separately?—Yes, but not at that time in the morning. We did it later.

What I am putting to you is this, that obviously, having many things like that, you could not put everything in just the position it had been in before?—Oh, no.

You made the search at seven o'clock. There were a good many things missing altogether off the car, apart from things which were burned. For instance, the radiator cap had gone?—No.

It has gone in the photograph, Exhibit No. 2?—That was missing at 2 a.m. It was in that condition at 2 a.m.

Do you really say that?—Yes, it appeared to be blown completely out of the radiator when I got there.

By Mr. JUSTICE TALBOT—You say that when you first saw the car that had gone?—When we had put the fire out.

*Cross-examination continued*—Do you say you noticed then that there was no radiator cap?—It was not on the car.

Did you notice that specifically?—It was lying on the road. I know, because I stepped on it.

Where is it now?—I do not know.

Is it with the debris?—I expect so.

Did you not pick it up?—No.

Did that not strike you as being an important thing? Why did not you pick that up? Have you no reason to give us?—As far as I know, it is with the rest of the debris now.

Was there a meter for measuring the heat of the water?—That was broken.

Did you find a jack, or had that gone?—Not at that time.

Did you find one at any time?—I saw one there.

Do you remember at what time?—It would be during the search from seven o'clock to a quarter to nine.

Whether it is still there or not, you do not know?—I saw it there then.

And tools?—There were some tools there.

Did you look specifically for any wheel marks in front of the car?—After the arrival of Inspector Lawrence.

Did you look on the grass verge as well as on the road?—No.

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Not on the grass verge at all?—Not for wheel marks.

So that if there were any, you did not notice them?—I did not see them.

What were you looking on the grass verge for?—That was where I saw the shoe heel.

That was right by the side of the car?—Six inches to the left of the left-hand side of the car.

You said the left-hand side of the running board?—Where the width of the running board stood—where it ought to have been.

You mean six inches from the side of the car?—The extreme left of the car.

By Mr. JUSTICE TALBOT—No, you mean six inches from the edge of the complete car?—Yes.

*Cross-examination continued*—And that was all charred away and burned?—The heel, do you mean?

Yes?—Yes.

And other stuff on top of it?—It probably extended further than the rest of the car.

Did you pick that up before the car was moved, do you remember?—I did.

Did you go on to look on the grass verge to see if there was anything else?—After we had put the fire out?

Yes; at seven o'clock when you were doing what I call your proper search?—I made an examination.

How far ahead of the car did you go along the grass verge?—I do not remember the exact distance, but it would be a few yards.

You never found a mallet then?—No.

Of course you do not know when or how it got there?—No.

Was the grass where you found it long grass, seven or eight inches long?—Hardly as long as that, six inches, anyway.

Quite long grass?—Yes, and rough grass.

Was the mallet lying just on that grass?—It just bent it down.

As it had fallen on the grass, had it what I call bent the grass down and left an impression?—Yes.

Which you say was a new one?—It appeared to be new.

And a light one?—The mallet had not been there long.

It had not got wedged into the ground, or anything of that sort?—No.

And it was on the grass itself?—Yes, on the grass.

When Sergeant Harris found the mallet and gave it to you, did you go straight home with it?—Yes, to my lodgings. I put it on the table there, and went and spoke to the officers in Northampton on the telephone.

Then you came back and got the mallet and brought it into Northampton?—That is so.

Re-examined by Mr. NORMAN BIRKETT—You were asked about your official search as distinct from other searches. In the evidence



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which you have given here to-day, have you given evidence of what you saw and observed?—That is so.

You did not know that there would be a charge of murder?—I did not.

But, as to things which you observed, have you recorded them as accurately as you can here to-day?—That is so.

First of all, with regard to the position of the body, which you have told us of, have you often seen the charred remains of a body lying in a blazing car?—Never.

Did it impress you?—Yes, it did, rather.

Did its position impress you?—Yes, it did, rather.

And have you recorded here to-day your recollection of the position of that body when you first saw it?—Yes.

You made no note of it?—No.

And are you sure that the position which you have described is the position in which you saw the body?—Quite sure.

With regard to the wheel marks on the road, you told us that you saw the wheel marks in the loose gravel coming from Hardingstone, the car coming to rest, and none ahead on the road?—That is so.

You looked for that?—Yes.

If the car had been taken on to the grass verge through the loose gravel, would there have been marks in front like there were behind?—Yes.

Did you see any such marks?—No.

With regard to the grass verge—the nature of it as shown in the photograph, and particularly in Exhibit No. 7—if there had been wheel marks departing from the road on to the grass verge do you think you would have seen them?—Yes.

You saw the place where the mallet had been lying, because your attention was drawn to it?—Yes.

It was a freshly made impression?—Yes.

Did you see it actually lying on the grass?—No.

It had then been picked up?—Yes.

You could just see the impression?—Yes. Sergeant Harris had it in his hand when I saw it.

Very well, I will ask Sergeant Harris about it. You were present when the car was moved from the road to the grass verge, were you?—Yes.

Was the whole thing moved bodily to the grass edge by the four of you?—Yes. We perhaps did not lift it clear of the ground, but it was not dragged.

At any rate, that is the way it was taken?—Yes.

Do you recall what was left upon the road after the car had been moved?—There were a certain amount of ashes, the remains of the body.

Was there a material part of the car that had been left, or was it just the ash and woodwork, and so on? Do you recall that?—No, I do not.

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By Mr. JUSTICE TALBOT—What was put to you by Mr. Finnemore was things like a mudguard, and he instanced several other things?—Yes.

There were such things?—Yes.

*Re-examination continued*—After the car had been moved?—Yes.

And then after the car had been moved, the mudguard and the other things were also moved?—Yes.

By Mr. JUSTICE TALBOT—I thought you told Mr. Finnemore that all the things were moved later?—The general debris was moved from the road—what would impede traffic.

*Re-examination continued*—Let me see if I can get it right. You told me the car was moved?—Yes.

There were certain things like the mudguard which had become detached?—Yes.

They were at some time moved on to the grass verge?—Yes.

How long after the moving of the car were these things removed?—I do not remember the exact time.

By Mr. JUSTICE TALBOT—What you said about it was that you four lifted the car, but there were several things that had to be moved separately, and you said that you did that later?—I meant just after.

*Re-examination continued*—After these loose things had been moved there were still left on the road ashes and woodwork, and so on?—Yes.

When they were cleared away, if at all?—I do not know.

ROBERT EDWIN VALENTINE, examined by Mr. ELWES—I am a constable in the Northamptonshire Constabulary, stationed at Northampton. On the early morning of 6th November I arrived with Inspector Lawrence at the scene of the fire. The fire was practically out. There were no flames, just hot ashes. I could see in the wreckage of the car a body which had been very badly burned. As I recollect it, the body was lying across the two front seats, face downwards; the head was on the driver's seat and the trunk of the body across the two seats. The right leg was extended over where the running board was; the left leg was doubled up in the car. The right arm was extended upwards, and I was unable to see the left arm.

By Mr. JUSTICE TALBOT—The left leg was doubled under the body in the front part of the car.

*Examination continued*—When I say the right leg was extended over the running board, I mean where the running board had been. The right leg—or so much of it as was left—was sticking out eight inches beyond the side of the chassis. The leg was burned off to about the ankle—just the foot had been burned off. I looked for wheel marks of the car, and from what I found I judged that the car had come from the direction of the village of Hardingstone. We placed the police car in different directions

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and saw the marks in the road by means of the headlights. The car appeared to have stopped in a normal way, there being no skid marks. The wheel marks did not continue forward after the place where the car had stopped. If there had been wheel marks going on further I should have seen them—I made a particular search for them. I noticed that the bonnet of the car was down on both sides. The near-side was unclipped; the off-side was clipped. I unclipped the off-side and lifted it up. I looked at the petrol tank and saw that the petrol cap was fastened in its normal position on the tank. I removed the cap and flashed my torchlight into the tank to see if I could find any burst of the tank, but I could not see any. There was no petrol at all in the tank. I then helped to move the body. Later on I measured the distance in my car from the White Flag Tearooms at Markyate to the place where I found the car; it was a distance of 37  $\frac{3}{10}$  miles.

Cross-examined by Mr. FINNEMORE—You got there about ten minutes past three with Inspector Lawrence. Of course, Police Constable Copping was there at that time?—Yes.

Was the car then hot, or had it cooled off?—It had cooled off a lot.

Were you able to start examining it at once?—Not at once. We had to fetch a drop more water.

Was the examination of the car, or the remains of the car, undertaken by you and Inspector Lawrence, or was it left with P.C. Copping?—Well, we all had a look round it.

Did you move anything at that time?—Not at that time.

Did you help to get the body out?—Yes.

About what time was it, do you remember?—I could not say definitely. I should think probably twenty minutes to four.

Then what did you do?—Immediately after the body had been moved we placed the car on the grass verge.

And did you put the various debris and the loose things straight away on the grass verge then, or later on?—Into the gutter, practically.

But as soon as you had moved the car did you move the loose things? There were a good many loose things on the road?—Yes. We placed them in the wreckage of the car.

Of course, at that time the exact position of any special article did not appear to you to be of any great importance?—Well, I thought it was important—a body being found in the car.

But as to exactly where any special article was, or that things were put back as you found them?—Well, they were not put back as we found them.

You did not make any note at the time?—No.

With regard to the bonnet, are you sure it was only clipped down at one side?—Certain.

## Evidence for Prosecution.

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You lifted the off-side, did you?—Yes. I lifted both sides as a matter of fact.

Which side did you open first?—The near-side, which was unclipped. Then I went round and unclipped and looked at the off-side straight away.

Then the near-side you would probably open first because it was unclipped. That is why you did it first?—I was probably on that side.

I suppose both P.C. Copping and Inspector Lawrence were at the car at the time?—They were just round about.

Then you told us the cap on the petrol tank was on?—In its proper position.

But not clipped down by a clip or a screw?—Just a clip, but the heat had destroyed the rubber.

You did not put it back?—Yes.

What happened to it?—I could not say. I do not know when it got off again.

You know, of course, that it was afterwards found off. Do you know who removed it after you?—No, I do not. I do not know where it is now or what happened to it.

I am not sure whether you have looked at all closely at the photographs which Mr. Ashford took. Have you seen them before?—No.

It is not to be seen, is it, in the photographs?—You would not see it from this photograph.

You cannot see it from the photograph, so that you do not know whether it had gone before or after the photograph was taken, or where it has gone, or what has happened to it since?—No.

Did you notice the radiator cap?—That had practically exploded and part of that was in front of the car. I saw part of it.

What part of it did you see?—The thermometer part.

Did you see the cap itself—the part that screws on to the radiator?—I cannot recall that just now. I do not remember seeing it.

Did you look for it? If you found the thermometer part, you would probably look for the part, would you not?—I do not remember seeing that now.

And no one else called your attention to that, so far as you remember?—No. You see, the motor part was broken off. It looked as if it had burned.

The glass?—Yes. I collected that and put it with the wreckage.

Do you know if it is with the wreckage now or not?—I cannot say that.

When you say that you put it with the wreckage, do you mean on the side of the road?—Yes.

In any particular place, or did you just throw it in?—I just threw it in.

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Robert E. Valentine

With regard to the wheel marks, you were not specifically looking for any marks to see if the car had reversed at any time?—I looked for any marks I could see.

What I asked was: you were not specifically looking for any marks of a car reversing?—Not particularly. I looked for marks of the wheels and there were none in front. It did not reverse.

How did you know that?—By the marks; they were distinct up to where the car had stopped.

Did you ever look for any marks on the grass verge?—Yes; we had the headlights on.

How far did you go forward to see if there were any marks on the grass verge?—We had the car on the grass verge on the same side of the road as the car—the first car.

How far did you look ahead to see if you could see any marks at all?—A matter of half a dozen yards.

Were you really looking specifically for marks to see if the car had reversed on the grass verge?—Yes, or for any marks.

You said you shone the headlights of the police car on to the grass verge and on to the road?—We put the police car in many different positions to look for marks.

Where was it?—It was on the grass verge on the right hand side of the road, facing the village of Hardingstone, just in front of the burned-out car.

Do you mean that you actually stood your car on the grass verge, or put your lights on?—Put the car on.

How near to the burned-out car?—About three yards.

Never further away than that?—Yes.

I do not mean on the road, but on the grass verge?—Probably a dozen or fifteen yards.

Did you look all along there?—No.

What were you doing?—We placed the car in that position, so that it showed us a light to allow us to remove the body from the car on that side.

You were not searching for marks at that time to see if the car had been on the grass verge?—Not when we placed our car on the side, but we had our car on the road in front of the car searching for any wheel marks.

You had your car in front of the car with its lights shining up the road?—Yes.

And shining up the grass verge as well?—Yes. They would be shining up the grass verge as well. They throw the width of the road.

And did you not see anything at that time of anything which showed that the car had reversed either on the road or on the grass verge?—I saw nothing.

Do you say that you actually drove the police car on to the verge?—Yes.

What for?—I have just explained; to remove the body from the burned-out car.

## Evidence for Prosecution.

Robert E. Valentine

Your lights would show that from the road?—Well, there is the front of the car, the bonnet of the car, and then it dropped down in the wreckage, and the lights would not show us the back of the bonnet.

You would not come in front of the car to see the body; you would go to the side?—I did it in different positions. In order to see the position of the body, we had our car at different angles on the road and on to the grass.

I do not see why you should go on to the grass verge?—That was to get the body out this side.

That, you say, was three yards away?—Yes.

You never at any time in the morning saw the mallet or anything of that?—No.

Re-examined by Mr. NORMAN BIRKETT—About this matter of reversing, you said to my learned friend that this car was not reversed?—No, it was not. If the car had been reversed I would expect to find wheel marks ahead of the car where it was reversing. There were no such marks. I am certain of that.

And did you at that time examine the marks of the car which you could see?—Yes.

You have told us about those that came from Hardingstone village. There were none in front?—No, none in front.

Did you at that time, when you observed the marks from Hardingstone village, look ahead to see if there were others there?—Yes. It was a frosty morning, and, if there had been any, I should certainly have seen them. I certainly looked for them, and there were none.

If the car had been reversing off the grass verge to the road, would you have expected to find marks?—I should have seen them.

Were there any such marks?—No.

Dr. EDWARD LAWRENCE PHILLIPS, of Ystradnynach and Hengold, was then sworn to prove that a witness on the depositions, Mr. D. W. Morris, was too ill to travel to the Court.

JOHN FAULKNER STOPS, examined by Mr. NORMAN BIRKETT—I am clerk to the Justices for the County of Northampton, the examining Justices in the present case. I myself took the depositions. The accused was represented by Mr. Finnemore, and Mr. Finnemore had every opportunity of cross-examining the witnesses. I took the evidence in writing of the witness David William Morris, who is unable to attend here to-day. The deposition now shown me is the deposition he made before the Justices. It is signed by the Chairman of the Justices and by the Justices before whom it was taken.

JOE HARRIS, examined by Mr. NORMAN BIRKETT—I am a sergeant in the Northampton Constabulary, stationed at Colling-

# Alfred Arthur Rouse.

Joe Harris

tree. On 6th November, 1930, as the result of a telephone message, I went to Hardingstone Lane, between a quarter to nine and nine o'clock in the morning, and I there saw the remains of a Morris Minor car lying by the roadside. It had not been removed at that time. I searched the debris and I found Exhibit No. 36 (two brace adjusters). I left the scene of the car on two occasions to visit the constable's station and the post office. Altogether I would be at the scene of the car about an hour with those two interruptions. I went again later in the day. The second time I went was about eleven o'clock. I remained there until half-past one or two o'clock. Upon my second visit I found a round-headed wooden mallet. (Witness identified Exhibit No. 32.) I found that mallet on the grass verge on the near side of the road, about a foot from the edge of the road.

By Mr. JUSTICE TALBOT—It was lying about a foot from the side of the road on the grass verge, and about fourteen yards to the front of the car.

*Examination continued*—Was it difficult to find, or clearly to be seen, or what?—I did not notice it until I was on it.

When you got to the spot was it easy to find?—It was by looking straight down on it. I picked it up and showed it to P.C. Copping.

What about the place where it had been lying?—Well, the form in the grass was quite fresh. I examined the mallet and noticed what appeared to be hairs adhering to one of the ends. I showed it to P.C. Copping and drew his attention to the hairs adhering. I handed it to P.C. Copping exactly as I picked it up from the grass.

Cross-examined by Mr. FINNEMORE—When I got there at 8.45 there was no other police officer there at all. I do not remember P.C. Copping or any other police officer coming during my first visit between 8.45 and 10.30. I was alone so far as the police were concerned.

And there was no one there when you got there at 8.45?—Excepting the police inspector.

Then you say you left at 10.30 and came back at eleven?—Yes.

There was no police officer there between 10.30 and eleven?—No. When I got there at 8.45 there were eight or nine spectators, and when I left at half-past ten there were still some spectators there.

Of course, previous to your getting there, a good many people would pass along that road going to work from Hardingstone?—Yes, I should think they would. When I got there the car had not been moved. It was still standing in the road by the grass verge. I am confident about that.

Other officers say that they moved it about four o'clock in the morning?—No. The marks in the road indicated that it was actually on the same spot where it was burned, on my arrival.

## Evidence for Prosecution.

Joe Harris

When you got there it was still in the roadway?—Yes.

And not on the grass verge?—No, and indeed afterwards I assisted in moving it on to the grass verge. That would be somewhere about eleven o'clock. Superintendent Brumby, Constable Valentine, and Inspector Lawrence assisted me in moving the car. I was not there when it was moved from the grass verge to Northampton.

With regard to the mallet and where you found it, was it lying on some thick grass?—Yes. The grass was some six or seven inches high. The impression I saw in the grass appeared to be quite fresh. The grass itself was quite clean. It was just near the slope of a gully. I was looking on the grass verge to see if I might find anything.

Did you notice at all on the grass verge or on the road any marks of the motor car in front of the burned car?—No. I did not see any marks as if it had gone further on and reversed back. I saw no marks at all either forwards or backwards.

I do not know whether you had anything of that sort in mind when you were looking, or whether you were looking to see if you could find any objects about?—That was more the purpose.

By Mr. JUSTICE TALBOT—If there had been wheel marks on the grass verge you must have seen those?—Yes.

And you did not see any?—No, I did not.

Re-examined by Mr. NORMAN BIRKETT—How long were you walking up and down searching in the grass verge, where you found the mallet?—Approximately a quarter of an hour doing that stretch between the car and where I found the mallet.

Which was about fourteen yards ahead?—Yes, that is so. I searched the place pretty thoroughly. I walked over it.

You told my learned friend the grass was clean. I do not quite know what that means. What about the ground out of which the grass grew?—It would be soft, I would say. As regards the gully, it is a gully for carrying water off the road, but there was no water in it at that time.

When you first saw the mallet what did you find on one end?—What appeared to be hairs. I did not observe anything further. They appeared to be wedged in the wood.

You showed that to Police Constable Copping at the time?—Yes.

Was the mallet itself clean when you found it?—Fairly clean. The handle was somewhat dirty with black smears as though someone had handled it with black hands, and there was a certain amount of dirt adhering to the head.

What kind of dirt, soil or what?—More of a gravel kind.

Do I understand you to say that the car was upon the side of the road when you went there at 8.45?—Yes.

And not on the grass verge?—No, not then.

(Shown Exhibit No. 4.) That is a photograph of the car on



## Alfred Arthur Rouse.

Joe Harris

the grass verge. Was the car in that position when you went at 8.45, or not?—No, it was on the road itself when I first arrived there.

That photograph, we are told, was taken by a photographer about 8.15 in the morning. If he is right about his time that shows the car on the verge?—Yes, it does.

Does it make any difference to what you say?—What I have in mind is that I particularly remember removing the car further on to the grass verge.

Are you certain about the time you went—8.45?—Yes.

And your recollection is that the car was on the road and not on the grass verge when you went there at that time?—That is my present frame of mind.

Very well, I do not want to change it. I just wanted to get the fact from you. You said in an answer a moment ago something about moving it further on to the grass verge?—Yes, I distinctly remember helping Superintendent Brumby, Police Constable Valentine, and Inspector Lawrence to move it.

By Mr. JUSTICE TALBOT—You are also quite clear that when you first got there it was on the road itself—on the metal road?—It was partly on the road, I am confident.

The Court adjourned.

# Evidence for Prosecution.

Second Day—Tuesday, 27th January, 1931.

REGINALD WALLIS TATE, recalled, further examined by Mr. NORMAN BIRKETT—I produce the Ordnance Survey map for Hardingstone on the scale of six inches to a mile. I have for the convenience of the Court taken from that Ordnance Survey the section of the road coming down Hardingstone road from the Newport Pagnell road through Hardingstone village and coming back to the Northampton road. I produce copies made by myself. I have verified the accuracy of the *locus in quo* with the map which I have here. (Map put in and marked Exhibit No. 38.)

Further cross-examined by Mr. FINNEMORE—Where the accused turned off the Newport Pagnell road to go to Hardingstone that takes you through the village; it is a pretty large village. When one gets to that corner where the accused appears to have turned to the right to go through Hardingstone village, would you see the lights of Northampton?—Yes, you would.

Have you found out any more about the telegraph poles?—Yes. I have been up and inspected them. Some of the telegraph poles go straight along the main road and some turn up Hardingstone Lane. They go both ways.

Further re-examined by Mr. NORMAN BIRKETT—Northampton is a very well-known town, and the road leading into Northampton is a main road?—Yes.

At this corner to which my learned friend drew your attention there was a signpost with just the words “To Hardingstone”?—Quite so.

But no other signpost?—No signpost “To Northampton.” Just the one going off up that road there?—Yes.

JAMES LAWRENCE, examined by Mr. NORMAN BIRKETT—I am an inspector in the Northamptonshire Constabulary, stationed at Northampton. On the morning of 6th November I went to Hardingstone Lane, arriving about 3.10 a.m. I went to the scene of the burning car. It was standing about two hundred yards from Hardingstone village, on the near-side of the road facing the London road, and it was about a foot from the grass verge. The car was moved from the road to the grass verge at a quarter to five that same morning. I observed the position of the body inside the car. It lay across the two front seats of the car. The head was on the driver's seat, face downwards; the body was on the passenger's seat; the right leg was extended and was straight, and just outside the car; the left leg was doubled up inside the car underneath the body; the right arm extended upwards to

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James Lawrence

about the height of the back of the passenger's seat—the back of the seat at that time had fallen away—and the left arm was not visible.

That is to say, if you will allow me to explain, if the body was leaning on the seat the right arm was extending upwards and backwards?—That is so.

Did you notice at all any wheel marks of the car?—There were none in front of the car, but the police car was placed at the rear of the burned car, and, by the aid of the headlights, wheel tracks of the burned car were plainly visible. They showed that the burned car had been driven from the village of Hardingstone to where it was burned out. It had stopped on the left-hand side of the road, about one foot from the grass verge, and there were no signs of skid or brake marks or reverse wheel marks.

Did you find anything in the debris of the burned car?—Yes, in the back of the driver's seat was a petrol can, Exhibit 27. It was standing upright at the back of the driver's seat, burst on the backwards side. The screw stopper and the handle were missing. I was not present when the stopper or part of the stopper and the brass ring were found.

What was the condition of the driver's seat when you saw the car?—There were only the springs at the back of the seat remaining at that time. The petrol can had apparently stood upright previous to the fire and had simply fallen down to the ground in the debris.

(Shown Exhibit No. 2.) When this photograph was taken there appears to be, just behind the driver's seat and close to the rear off-wheel, this petrol can and this little gap facing backwards. When you saw the petrol can and its position, what was its position?—That was the position when I arrived on the scene.

As it is shown in the photograph?—It was placed back into this position after the car was moved from the road on to the grass.

By Mr. JUSTICE TALBOT—When it was in the road when you got there first it was like that?—Yes, my lord.

And after the car was moved on to the grass it was put back into the same position?—That is so.

*Examination continued*—That photograph, of course, was taken when it was on the grass. When you first saw it was there anything in connection with it that is not shown on this photograph? You see behind the petrol can at the present moment there appear to be burned ashes of charred upholstery or roof, or whatever it may be?—That is the back of the passenger's seat or the springs of the passenger's seat. When I got there that passenger's seat at the back was burned right away with the exception of just the springs. The petrol can was just touching the springs and the back of the driver's seat. It appeared as though the can had stood on the woodwork, where the passenger's feet would be, and

## Evidence for Prosecution.

James Lawrence

when that had burned away the can simply dropped down on to the ground.

When was the body moved from the car?—About twenty minutes to five—actually moved out of the car. After removing the body we moved the debris of the car from the road on to the grass, and then we removed the body to the Crown Inn at Hardington. The next day, the 7th November, I accompanied Superintendent Brumby to the Hammersmith Police Station. I saw the accused there. The superintendent spoke to him, and said that we were police officers from Northampton, and that we had come to inquire respecting a motor car, index number MU 1468, found burned-out in a lane near Hardington village about 2 a.m. on the morning of the 6th instant, of which he was the registered owner, and that he answered the description of a person seen acting rather suspiciously near the turning of the Hardington Lane and the main London road. We cautioned him and asked him if he would care to give any particulars respecting it. The accused then said he would make a statement. He made that statement, and it was written down by Detective-Sergeant Skelly, of the Metropolitan Police, in our presence. The statement was read over to the accused, and he signed each sheet of it. The compilation of the statement took about four hours. After the statement had been completed, the accused was brought to the Angel Lane Police Station at Northampton, and was detained there.

Whilst he was there and you were there, did he speak to you?—Yes, he did.

Cross-examined by Mr. FINNEMORE—You arrived on the scene about ten minutes past three in the morning?—Quite right.

Am I right in suggesting that at that time and following that examination you made no note of anything that you saw then?—No, I did not.

And you are depending, of course, entirely on your memory?—Quite so.

At that time, I think, there was no thought in your mind that there might be a murder charge involved?—Well, that was so. There were certainly some suspicious circumstances.

But you did not think it important or necessary—do not think I am making any complaint—to make, as soon as you could afterwards, an exact note of what you had seen?—Well, I did not do so.

There was an officer there when you got there, was there not?—Yes, Copping.

And did Police Constable Valentine go with you?—Yes.

Can you just help us on this? Who was the person who made what I call the real search of the remains of the car and the immediate vicinity of it—you or Copping?—Well, we all three made a search at that time, Constable Copping, Constable Valentine,

# Alfred Arthur Rouse.

James Lawrence

and myself; but after the car and body had both been moved Constable Copping, I understand, returned later. We left at a quarter to six, and there was nobody left there then. Constable Copping is the local officer from Hardingstone and he had gone home there. I left him at a quarter to six at the end of the Hardingstone Lane. With regard to the position of articles, I found the can immediately behind the driver's seat. At that place the whole of the floor had been burned away and had collapsed on to the road. The seat had all been burned and had collapsed except the springs.

When you moved the vehicle did you take that out first, or did it just fall on to the road as you lifted the motor car?—It was taken out first, before moving it. I cannot quite say who took it out. It was replaced after the car had been moved—in the same place as near as possible.

A good many things had to be moved like that separately?—Yes.

There was no attempt made to put any of the other things into any particular place?—The only other part that I remember being moved was the rear mudguard.

What about the steering wheel?—The steering wheel was hanging on the steering column.

You do not mean that, do you?—Yes.

Not really?—Yes.

It was still carefully hanging on when you moved the whole of the car bodily?—Yes, because it had slipped down.

Then somebody must have taken it off at some time altogether?—I could not say that.

MR. JUSTICE TALBOT—That follows. All he can say is how it was when he left it.

MR. FINNEMORE—He said that he actually found it out on the ground by the car.

THE WITNESS—I could not say that. It was certainly on the column when I left.

MR. JUSTICE TALBOT—That illustrates your point that these things have been moved.

MR. FINNEMORE—Yes, my lord.

*Cross-examination continued*—With regard to the body, the man was lying face downwards on the driver's seat with his right arm up?—Yes.

It was quite clear, as far as anything could be clear in that position, that he had not been the man sitting in the driver's seat at the time of the fire?—No, he could not have been.

It was quite obvious?—Quite. So far as the car itself was concerned the whole of the body had gone, except the chassis itself.

And, of course, if he were lying like that, with his right leg against the door on the near-side of the car, when that all burned and collapsed his foot would inevitably be projecting a

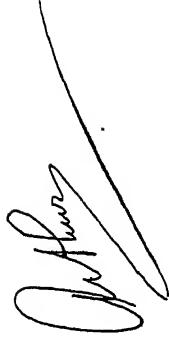
19/9/30

Dear Helen.

Arthur is now at school

and rather proud of his badge etc, so

of course I do not want him to be away

A handwritten signature in cursive script, appearing to read 'Arthur', with a long, sweeping horizontal line extending to the right.

Section of letter written by Alfred Arthur Rouse  
(Reproduced by courtesy of the *Sinclair Graphic*)

THE LETTER printed on the other side of this page was submitted by the "Sunday Graphic" to Dr. Robert Saudek, the noted author and graphologist. He did not know who wrote the letter. He declared, without hesitation: — "The writer is insincere, secretive, has a bad conscience; is evasive, plausible, a braggart, vain, clever, glib, shrewd; is a business man without principle, a clever talker, yet suffers from an inferiority complex."

## Evidence for Prosecution.

James Lawrence

little outside in a car of that small width?—I cannot see how he could get into that position with his left leg doubled under his body.

Why not?—His left knee was bent right up touching his body here as he lay across the seat, and I cannot see how any human person could get into that position.

Have you thought of the position of a man making a violent attempt to get to the off-door?—He would not have any need to. By swinging his legs round he would be out of the door.

You do not follow me. Supposing he was trying to get out of the off-side door—struggling round to get out there—that is the sort of position he would be in then, is it not?—I do not think so. His right leg was extending outside the near-side door.

The man's body was all dreadfully burned?—Terribly.

By Mr. JUSTICE TALBOT—The whole of the left leg and foot was burned, but was it visible? As I understand, the right leg was burned off below the knee altogether?—Yes, and the left one was also burned off just above the ankle.

*Cross-examination continued*—While you were still there at that time the police car was brought. You came in that, I expect?—That is so.

And you used the lights to shine on the burned-out car?—Yes.

You spoke about the marks. You could see that the burned-out car had come from the direction of Hardingstone village?—Yes, when we placed our car at the rear and shone the lights on the road.

Did you look in front of the burned-out car at all?—Yes, when we first got there—when we were driving up. Our lights lit up the place. We actually stopped in front of it and we could see no marks then. We looked to see if there were any wheel marks on the grass verge itself, but there were none.

Were you looking specifically for wheel marks or anything which might attract your attention?—Anything which might attract our attention.

You saw no marks there at all?—No. It was a very white, frosty morning and, had there been any marks, we must have seen them.

Not made by that car or any car?—Not at that time.

But afterwards?—There were afterwards.

Not Morris Minor marks?—No, Morris Cowley. Later that morning the police car was placed on that verge. That would be about 4.30 as near as I can remember. We placed it there to assist in showing the body, to help to remove it from the car.

You would show that better from the road?—No, because of the bonnet of the burned-out car.

Do you mean that you drove right on the verge on the far side of this car and shone your light back?—On the right-hand side of the burned car, so that our lights were shining along that side



# Alfred Arthur Rouse.

James Lawrence

and partly into the car as well. We actually stood our car on the grass verge facing the burned car, about six or seven yards away, on the same side of the road.

Surely you would see very much more clearly if you had your lights at the back of the burned-out car?—Well, we might have done, but we happened to be heading that way and we knew the body was going to be taken in that direction. About one o'clock on the Saturday morning I was there with Superintendent Brumby. I was not present when there was a discussion with somebody else about the wheel marks.

Did you know that it was suggested to Superintendent Brumby on the Saturday morning that there were apparently marks, which it was suggested were the reverse marks of the Morris Minor?—No, I did not know that. I was not there at that time.

Do you know that the Morris Minor was actually moved from the grass and brought into Northampton?—Yes, I believe it was moved on the 7th.

On 7th November you went with Superintendent Brumby to the Hammersmith Police Station, where the accused was waiting?—Yes.

You got there about one o'clock in the morning?—Yes, roughly one o'clock on the morning of the 8th.

He was asked if he would like to make a statement?—If he cared to.

And he at once said that he would?—He first said, "Need I make one here?" Then he said that he would make one there, and he made the statement.

What was said when he asked if he need make it at Hammersmith?—He was told he need not make one there unless he wished.

The whole of the proceedings during which the statement was taken occupied from one o'clock until about six o'clock in the morning?—No, just after five. There were, I think, four officers present—myself, Superintendent Brumby, and two London officers. During the taking of his statement the accused was asked a good many questions.

Did he appear to you to be giving a full and frank statement, and anxious to give it?—Well, he certainly made the statement, but he did not appear to me to be telling the truth.

You heard Sergeant Skelly say that he appeared to be extremely frank and anxious to make his statement?—I did not hear his statement; I was not in Court at that time, but I understand that he has said so.

And you probably know that Mr. Brumby described him as giving his evidence readily, voluntarily, and eagerly?—I understand he did.

Did all four officers ask him questions?—No, three, I think, to be correct.

Who was the one who did not—Sergeant Skelly?—Sergeant Skelly.

# Evidence for Prosecution.

James Lawrence

He was writing it down?—Yes, and Inspector Welby asked him. At the end of the statement you asked a number of questions?—I did.

Of a rather different kind from those which had been asked before?—Quite so.

It would probably be fair to call them cross-examination questions?—Well, I suppose that would be so.

As to how he accounted for this, or how he accounted for the other, if his story was right?—Yes, quite so.

And he gave you answers which were written down by Sergeant Skelly?—Yes, he did.

By Mr. JUSTICE TALBOT—When you say he did not appear to be telling the truth, do you mean because of something you had seen, or knew, or because of his manner, or what?—It was his manner. Sergeant Skelly was writing it down; the accused would say perhaps ten or twelve words that are in the statement, and, as Sergeant Skelly was writing that down, the accused would be talking to us respecting something else. After the Sergeant had written down that portion which he had already said, the Sergeant would say, “Yes,” bringing the accused back to the statement, and he would then say perhaps eight, ten, or twelve more words, and before that could be put down he would correct it perhaps three or four times, and when it subsequently got down perhaps it would be the third or fourth time after the accused had said it.

*Cross-examination continued*—In fact those corrections that you refer to actually appear in the statement itself, do they not?—No.

Have you seen the statement?—I have not seen it, I think, since the day it was taken.

Do you know that there are in fact a considerable number of corrections which have been initialed by “A. A. R.” which are written in by Sergeant Skelly?—That was corrected when the statement was read over to him.

What it comes to is that he was talking a good deal, and about a number of things which do not appear in the statement, do you mean?—Yes.

That seems to have impressed you unfavourably?—No, what impressed me and made me think he was not telling the truth was his correcting about the third or fourth time something in relation to the statement. There was no need, in my opinion, if he was telling the truth, to correct anything.

I suppose you never make mistakes?—I suppose I have done so like other people.

Would you correct them if you did?—Yes, but there was no need, in my opinion, for any one to correct a thing so many times.

Have you ever found it difficult to recall events that you have been asked about?—At times, yes.

You knew from the statement that this man was explaining that

# Alfred Arthur Rouse.

James Lawrence

he got in a panic and lost his head owing to what happened on the Hardingstone road?—He said he did.

If that was true, would you not expect that to make it difficult for him to remember the first time exactly what happened?—If he did get in a panic it certainly would.

Do you know, in fact, also from inquiries which you have made that this man was wounded in the head in the war?—He has told me he was.

And you have verified it, of course?—I think that is so; I think the superintendent has.

Is it within your knowledge that one of the results of the wound was that he was very excitable?—Yes, he is described as such.

This was between one o'clock in the morning and five o'clock?—Yes.

Alone with four police officers?—Quite so.

Being questioned about a very important matter?—Yes.

And, anyhow, with the questions of the police officers and the cross-examination questions of yours, from start to finish in the statement he stuck, did he not, to his story that the thing was an accident, and he had had nothing whatever to do with killing a man or burning his car?—Yes, he did.

Did you know that he had travelled all that day back from Newport and Cardiff to London?—Yes, he said he had, and that was correct.

And did you know from about half-past nine until one o'clock, when you arrived, he had been waiting at Hammersmith Police Station?—Yes, he had.

Would you agree that it would be a very formidable ordeal for an ordinary man, those four hours with these four police officers at that time and in that place?—Well, no, I do not think so. If it was a pure accident the man had nothing to fear, and he could have told quite a straight tale.

Did he seem to you to be tired, having had no sleep that night?—No.

Do you remember, was he given any food or anything while the statement was taken?—He was not given any food, but he had two or three cups of tea.

Re-examined by Mr. NORMAN BIRKETT—You have been asked whether or not it was a formidable ordeal to the accused to have this statement recorded during the time you have mentioned. You had an opportunity of judging his demeanour and his bearing. Did the accused give you any impression that he was passing through an ordeal when making his statement?—No, he did not.

Was he in any way hurried in making the statement?—Oh, no.

Or pressed, or forced in any way?—No, he was treated with great courtesy.

# Evidence for Prosecution.

James Lawrence

My learned friend put to you a phrase of Superintendent Brumby's, that he gave his statement readily, and voluntarily, and eagerly. Did he give it readily?—Yes, with the exception that he corrected it about three or four times. He did not appear at any time to be labouring under any real difficulty of recollection.

The accused was being asked to record the events of the 6th and 7th in which he had recently taken part. Were the corrections that he made before the statement was written down corrections of mistakes as to places where he had been?—Oh, no; they were corrections to bring the statement round to look as favourable to him as possible.

I wanted to get that quite clear, whether they were mistakes of fact which were the result of faulty recollection as to where he was, and things of that kind, or whether they were mistakes of the kind you have indicated?—They were mistakes of the kind I have said.

By Mr. JUSTICE TALBOT—Can you give an example?—Regarding what he is supposed to have said to the witnesses, Bailey and Brown, first he said that he did——

When you say, "first he said" you mean he first said to Sergeant Skelly?—That is so, to put on the statement. First he said that he did not call out to those two witnesses.

*Re-examination continued*—Do I understand you to say that, first of all, he said that he had spoken to the men?—Yes, he did, and then he corrected it by saying that he saw in the paper that he was reported to have said that. He then said that he was not sure whether he had said it or not, and, therefore, he did not want it recorded.

In Exhibit No. 33, at page 7 of the original document, he says, "I saw two young men coming towards me from the direction of Northampton. I was going to speak to them, but pulled myself up suddenly, and commenced to walk away from them." Is that what he said?—Yes.

"So far as I remember, the men did not speak to me, but I shouted out to them, so far as I remember, but cannot say what I shouted. I then turned left on the main road"?—Yes, that is so.

Is that the final statement?—Yes. So far as we were concerned as police officers, we did not do other than try to record that what he had said was what he had said after being cautioned, and saying that he wished to make a statement. It is difficult to remember the actual first words he used when he subsequently altered them and they are recorded in the statement.

Was there anything you did by way of questioning to trap the accused into some admission?—Nothing whatever.

What was the purpose of any question which you addressed to him?—To elicit the facts, or to try and see if what he had already said was correct.

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About this wound upon the head, it was suggested by my learned friend that he was wounded in the head in the war. Do you remember in what year it was said that that was done?—I believe it was 1916, but I would not swear to that, about 15 or 16 years ago. At no time during the taking of the statement did the accused complain that he was tired, or that he was hungry, or that he desired to stop making the statement. From the start to the finish of the statement he did not alter from the attitude that he had taken at the beginning, that he desired to make a statement. From start to finish no pressure or unfairness was put upon him.

You got to the scene at ten minutes past three?—Yes.

Questions have been put to you about the possibility of certain things being moved—the loose impedimenta being moved when you were there. So far as the petrol can was concerned, was it in the position you described when you reached the place at ten minutes past three?—Yes, it was.

So far as you know, had anybody other than witnesses called in this case been at the scene of the blazing car before you came?—There were two other people, I think. One was Mr. Bailey's father, the parish constable; I do not know the other one. Apart from those people, so far as I know, there was nobody there who had been at the scene of the blazing car. I have made inquiries upon this head in discharge of my duty. The police car was a Morris Oxford, and was in fact upon the grass verge about half-past four in the morning for the purpose of the headlights being used for our duty.

Had you made your examination for the marks of the Morris Minor on the road before that time?—Yes.

My learned friend suggested to you that the person whose body was found in the car could not have been sitting in the driver's seat at the time of the fire. Do you remember the suggestion that he made?—No, I do not think it could for a minute.

Because of the position in which you found it?—Quite so.

Do you know the size of the interior of a Morris Minor car from door to door?—No, not actually, but I believe it is small. There is a door upon the near-side and a door upon the off-side.

Were you able to tell when you got there whether the door on the near-side had been closed or open at the time of the fire?—No, I could not say.

Could anybody have told having regard to the state of the car?—No.

With regard to the off-side door, what was the state of that?—I think that was also burned away.

By Mr. JUSTICE TALBOT—You say it was impossible to see either door?—That is so.

*Re-examination continued*—But the right leg of the body was extended beyond where the near-side door would have been had it been in position?—Yes.

## Evidence for Prosecution.

James Lawrence

It was suggested to you by my learned friend that the position of the body might indicate that the dead man was making an effort to get to the off-side door beyond the driver's seat. Do you follow?—I do not think the body of a person could get into that position.

By Mr. JUSTICE TALBOT—You mean that a person could not get into that position by himself?—Yes.

*Re-examination continued*—You say the left leg had been drawn up tightly against the body and the right leg extended. First of all, I understand you to say, if I got it rightly, you do not see how anybody could normally get into that position himself. I understood that was your evidence?—That is so.

If that is right, what do you say therefore about the suggestion that the body might be trying to get to the off-side door? Would you expect to find that position?—I certainly should not.

WILLIAM EDWARD BODDINGTON DICKENS, examined by Mr. ELWES—I reside at 15 St. George's Street, Northampton, and I am a member of the Institution of Automobile Engineers. I am works manager of Messrs. Gross, Limited, Northampton. On the 14th of November last I had a look at what was left of the Morris Minor motor car in question at the headquarters of the police. I found the top of the gearbox melted away by heat, and the gear lever and the brake lever were hanging loose on to the steel parts. The gear lever was in second, which is a forward gear.

Supposing, before the top of the gearbox had melted, the gears had not been in that position, do you think it is possible that the melting of the top of the gearbox could have altered it?—No, not in my opinion. The gear was quite fixed to the shaft.

Do you think that the melting of the gearbox could have made any difference to what gear was engaged?—No.

Cross-examined by Mr. FINNEMORE—I have had about 25 years' experience as an automobile engineer. As regards the gears of the car in question, there are three forward and one reverse. The reverse speed is a forward movement slightly to the left with the handle. The second speed is a forward movement slightly to the right. It is a ball and socket joint, not a "gate." The clearance on the two forward movements is about four inches.

When the handle is forward the difference between being in reverse or second gear is only about  $1\frac{1}{2}$  inches?—There is not much difference.

It is not a difficult thing, particularly in the dark, to put the wrong one in—I mean, to think you have got it in reverse when you have it in second gear?—They are both moved about the same distance; it would be possible.

They are, of course, on the left-hand side of the driver?—Yes, in the centre between the driver and the passenger.

And the mistake of a driver getting into second gear instead

# Alfred Arthur Rouse.

William E. B. Dickens

of reverse would be made more possible or more likely if there was a passenger who was helping to block the room with his knee near the handle and the lever?—Yes. The passenger, providing he was sitting in his seat correctly, should not interfere with the change much. There is sufficient room.

Of course, but there is not very much room?—No, not if he was hanging over that way.

It is possible, is it not, to change the gear actually with the knee pressure?—Providing the engine is stationary, it might be. It depends upon the position of the gears, whether they mesh up.

Re-examined by Mr. NORMAN BIRKETT—There is no question that when you found the car it was in second gear?—No doubt.

You have been asked one or two questions about the possibility of going into reverse or into second gear, which are both forward movements. First of all, if your engine was running, would you know if you had got into reverse or second gear?—If your engine was running you would tell immediately you let your clutch in.

But if the engine was stopped would it be an easy matter to take the gear lever and put the car into reverse? Would it be a slight matter or would it want pressure?—It would need a certain amount of force to push it forward. It all depends on how the gears are meshed up—if the teeth come into correct position.

But when the car was stationary would it want more pressure than when the car was running?—I should say about the same.

To disengage the gear when the engine was stopped, would that require more pressure?—It would take more to pull it out of gear.

Your view, as an engineer, is that, being in second gear, that was the position in which it came to rest?—Undoubtedly it was in second gear when it was subjected to heat.

Colonel CUTHBERT BUCKLE, examined by Mr. NORMAN BIRKETT—I am managing director of Ellis & Buckle, Limited, 9 Walbrook, London, assessors to the fire offices and Lloyd's underwriters. I am a full-pay colonel in the British army in command of a territorial brigade, and I am a Commander of the Order of the British Empire and a Companion of the Noble Order of the Bath. I have had 26 years' experience as a fire loss assessor, and during that time I have had experience with regard to fires of all kinds, numbering upwards of 10,000. During the last four years my firm has investigated the causes of burned-out cars to the number of 83, and during the same period I have inspected 56 cars myself. On 4th December last I went to Northampton, and from there to Hardingstone Lane, and I inspected the site on the road where the car in question was burned. I then went to the Angel Lane police headquarters, and I was there shown the remains of a Morris Minor motor car, "MU 1468."

Is it possible to say what are the most frequent causes of fires in motor cars, either upon the road or in the garage?—Yes. Acci-

# Evidence for Prosecution.

Colonel Cuthbert Buckle

dental fires on the road are caused by the sticking up of the inlet valves. If you have a petrol charge in a cylinder, and the inlet valve does not quite close at the moment of the spark taking place, which is a normal occurrence with the rotation of the engine, the flame instead of only driving the piston will flash back down the inlet manifold and fire the carburettor. For that cause to operate you want something jamming up your inlet valve. It may be in the guide of the valve. The engine must be running, of course, to produce that.

What is another cause of an accidental fire?—Quick fires are connected with the leakage of petrol—leakage of petrol ignited by a flaming exhaust gas flowing out of an exhaust joint. For that cause to operate, the engine must be running.

Is there a third or further cause of an accidental fire?—Yes, if it is a quick fire, leakage of petrol fired by an electric spark which might even be present when the engine was stopped. It might come from the self-starter, if that circuit switch was put in. It might come from any two bare wires, where the insulation had been rubbed off, or a bare wire and the frame, if it is single wiring, or it might come from the loose contact of a lamp bulb, or a bad contact at a switch at the moment of switching on. It is quite possible for that spark to get into contact with some leaking petrol. Of course it is a little unlikely that you will get your spark the moment you get your leakage of petrol, but, to be quite fair about it, you might not know about your spark unless you had your leakage of petrol. Those are the main causes, in summary form, of accidental quick fires to cars upon roads. The fires, like the smouldering of upholstery occasioned by cigarettes or cigars, are slow, smelly fires at the start. I examined the exhaust system of the car in question. I looked particularly to see if there were any leaks in the exhaust system, such as I know can cause accidental fires. I examined the exhaust manifold, and I found some. The exhaust manifold was not really sufficiently tight. Nuts Nos. 1, 2, and 3 on it were just spanner-tight—only just—and No. 4 was only just hand-tight. When I took it off there were signs that No. 4 exhaust port had been blowing.

What do you mean by the term “blowing”?—At that place there are two machined metal surfaces, which should absolutely touch and make a permanent gas-tight fit. They had not been touching. Exhaust gases had been blowing out between the slit which was left because they were not touching, and slightly carbonned up the surfaces, very slightly. The exhaust manifold was situated on the near-side of the engine, and the No. 4 exhaust port, the carbonned-up one, was the rearmost one, under the bonnet, of course. If there were a leakage of petrol, that blowing of port No. 4 would be a possible cause of fire.

Would the leakage of petrol have to be present before that possibility of fire from port No. 4 could come into reality?—You



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Colonel Cuthbert Buckle

would have to get the petrol vapour under the bonnet. The point of ignition would be at port No. 4, and in that sense it would be the possible cause of fire. If the engine were not running there would not be any possibility of fire from that source. After examining the exhaust manifold I examined the valve system. I found the valves all apparently working normally, freely in their guides, and nothing apparently wrong. There were no signs of sticking. Had there been anything wrong that would not have been the cause of fire if the engine were not running. In examining the valve system I noticed the carburettor. It had fallen off the engine block through the melting of the carburettor body. It had fallen also away from the petrol pipe union which goes into the bottom of it. There were signs of fusing of metal in the carburettor, which is composed of a white metal—apparently an aluminium alloy, but I have not examined it technically. The melting point of aluminium is 1200 degrees Fahrenheit; brass, 1850 degrees; copper, 1940 degrees; steel, 2500 degrees; and cast iron, 2200 degrees. They all vary a little according to the exact composition, but they are all round about those figures. In the car which I examined I found aluminium fused in the main in three places on the car; brass was fused in four places. I did not find copper fused. The metal of the carburettor had fused. I examined the radiator and found that it had disintegrated, and both the top and bottom water joints were burned out. In the ordinary way, with a car on the road taking a journey, the water joints contain water; the lower one certainly would. If the top one was full it should contain water.

When you find a water joint burned out, does it give you the impression that it must have been a very fierce fire?—Yes, it is surprising to find the lower water joint burned out on a roadside fire. Often I have found neither of them burned out. The top one is often burned out, but the lower one rarely is. I have never seen it before.

Does that give you an impression of the intensity or nature of the fire?—Yes. There was an unusually intense fire under that bonnet, and it was a continuous fire which was fed for a period of time. I examined the coil and battery ignition system, but I could not find anything wrong. Even if the engine had not been running, one could have got a spark from that source; the electric spark from the battery might come out anywhere where there was a loose wire. The coil system being perfect, there might be some faulty connection.

The off-side front tyre was intact. The near-side front tyre was half-burned, and the two rear ones gone?—Yes. It is not usual to find tyres so burned, as are indicated in the photograph (Exhibit No. 2), in a roadside fire. It is very unusual to burn them right down to the wires as these tyres were burned. That indicates to me, about the intensity of the fire, that there has

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been a great deal of fire underneath this car, where there is normally nothing to burn. As to the intensity of it, it was fairly intense and must have lasted some time—some few minutes.

The gearbox cover, which is situated just underneath the dash on the car, is made of aluminium or an alloy of that metal. When you saw it it was badly fused?—I examined the flywheel casing, which is situated in front of it, the gearbox cover nearer the engine, perhaps six or nine inches nearer. On that flywheel casing there are two little projecting lugs, one on the near-side and one on the off-side. These are made of aluminium or an alloy. They had quite sharp corners, no fusing. From the fact that the gearbox casing had fused and the lugs had not fused I drew the conclusion that there had not been a fire sweeping through from the engine space under the bonnet through to the body; otherwise, if there had been, the lugs would certainly have gone before the gearbox casing. I examined the transmission shaft, which runs from just behind the gearbox, where it should be connected with a hard, flexible joint, to just short of the back axle, where it is connected with another joint of the same character.

What is the material used in the joints of the transmission shaft?—It is a ring about six inches in diameter, getting on for half an inch thick and an inch wide, and it is of strong, flexible, hard-compressed material, apparently rubber and canvas. I had a job to find any of that material at all. There was just a little left round the butts, but it had practically all been burned away.

Do you draw any inference as to the nature or the intensity of the fire from the fact that the ends of the joints were so burned away on the transmission shaft, which is underneath the car?—Yes, it is very surprising to get a flame underneath the car like that in a roadside fire. Flames go up.

Do you draw any inference as to the source of the fire of that intensity under the car, where normally there is nothing to burn?—Yes, I draw two inferences as to its source. I think it was fed continuously from the forward part of the body, in the vicinity of the petrol tank, and I think it was fed again, as it looks to me—I cannot be quite so certain as to this—from the back. I am quite certain it was fed from the front end. I am fairly certain it was fed from the back end also. I looked at the aluminium casing of the forward side of the rear axle casing. It was fused, indicating great heat under the car. The body of the car was almost all burned away. Putting all the wooden fragments together, they would not weigh ten pounds.

What does that indicate as to the intensity of the fire?—Nothing much as to intensity, but a good deal as to duration. It had burned for a considerable time to have burned all this. I examined the windscreen frame (Exhibit No. 39). It is made of brass, with either nickel or chromium plating. Brass fuses at 1850 degrees Fahrenheit. Upon examination of the windscreen frame

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I found it to be cut through as if by a blow-pipe flame at the bottom. The top is cut through more or less vertically over the same place, and nearly cut through here (indicating). It is not quite burned through; it is broken off the least little bit.

When you say "cut through," are you able to say how they have got into the condition they are in now?—Yes, without doubt it was by fire, except that the least little bit in this has been broken off. The main thing has been done by fire. The wind-screen frame on the car is just over the dash-board. Having regard to what I found on that brass windscreen frame, I have been able to discover the source of the fire which produced that result. I examined the oil gauge nut, which is brass on a pipe of copper. The brass nut was considerably fused. It is a small nut, of course. The copper pipe was not fused. The oil gauge nut on the Morris Minor car is situated behind the oil gauge, which is slightly on the off-side of the centre of the dash, and the nut in question is tucked away up behind the metal dash.

Does the fusing of the oil gauge nut give you any indication of the nature and intensity of this fire, having regard to the position of the nut?—A great deal. I looked at it for a long time. I had a flame continuously playing on it for some little time in order to heat it up to a temperature, and it took me some time to produce that heat with a blow-pipe. I examined the petrol tank which is shown upon the photograph. It seems to have stood the fire remarkably well. It was made of sheet metal, 2200 degrees melting point. There were no signs of bulging at all through internal pressure. The joints of the petrol tank appeared to be in order. The cap which is normally on a petrol tank was not there when I saw the car. I know the ordinary standard cap of the petrol tank of a Morris Minor car. The hole for filling the petrol tank in a Morris Minor car is under the bonnet, slightly on the off-side of the centre. You have to lift up the off-side of the bonnet to fill the tank. Exhibit No. 34 is a petrol pipe I obtained from Messrs. Stewart & Ardern, the London agents for these cars. It shows the model of the petrol union and tap which is on this car. [At this stage the witness described the position of the petrol pipe leading to the petrol tank of the car in question.] The tank end and the carburettor end are fastened with a cone joint made in an unusual way in that the cone is expanded out of the pipe itself and not soldered on. As regards the carburettor end, the carburettor itself had fallen away, but the joint was quite tight because I was not able to undo it. As regards the tank end of the pipe, I first of all tried the joint by shaking the pipe and I found it loose. I mentally registered that there was play of about two visiting cards' thickness. I thought to myself I must undo this, but before I undo it I will do it up and see exactly how loose it is. I put the spanner on it and carefully checked it round and I found it was one whole turn of the nut loose. I then undid it

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because, as a matter of fact, I expected to find that the cone had come off. I said to the police officers round me, "I expect the cone has come unsoldered." I disconnected it and I found to my surprise that the cone had not come unsoldered. It cannot, because it is expanded out of the pipe. After discovering that, I connected it up again fairly tightly. To give the accused the benefit of the doubt, it would not be quite petrol tight, but I connected it up fairly tightly. I then went to the carburettor end and tried to loosen the joint by moving it about. I found that I could bend the pipe, but I could not loosen the union. I then went to the police car which was standing near and looked at the petrol tank. It had a union like this, and I tried it without a spanner. I slackened the union for three-quarters of a turn, with the result that the petrol flowed quite freely. I decided to measure the rate of flow, and I did measure it and timed it. It filled an ordinary half-pint tumbler—not necessarily exactly half a pint, of course—absolutely to the brim in one minute and twenty seconds. If I had made the turn more than three-quarters I would expect to have had an increased flow over the flow I have given.

By Mr. JUSTICE TALBOT—At any rate, that shows, with a margin of safety, what the loosened condition which you found would have produced by way of a leak?—That was my intention.

*Examination continued*—If you have petrol in a tank, with a loosened union from which there flows petrol at the rate you have mentioned, if the petrol in the tank is subjected to heat, what effect would that have upon the flow of petrol from the loosened union joint?—You would get a pressure in the tank, and instead of being a flow at ordinary pressure it is a flow at extraordinary pressure, and it comes out at several times the rate.

Supposing you had a leakage from the union joint, which was ignited at that place, and the tank was subjected to the heat of the flames so engendered, after a time do I understand that the petrol would flow more quickly still because of the temperature?—Yes.

When petrol flowing from a loosened union at the tank flowed out, where would it fall?—On to the floor in front of the front seats where the passenger's feet would be. It would be a flow noticeable to the eye.

Would it be noticeable to the nose?—Yes, very. The road where the car stood had only a slight camber which would tend to set the flow to the inner side slightly.

Having regard to the windscreen frame and that loosened joint, what do you say about the fire which caused that effect upon the windscreen frame?—You would get a more or less vertical stream of a highly inflammable liquid like petrol burning, but there must be some verticality in it. Verticality is essential. You get a very curious flame structure. You get a roaring flame which forcibly feeds itself with air and whistles and roars. Such

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flames are very pretty; they are like an ostrich feather—they have curls all round the outer edge of them. I think it must have been a flame like that in this windscreen frame, because you would not get that frame burned like that in an ordinary fire. The other frames are not burned like that. You want something impinging with force to get that effect, and you have the impinging effect from this kind of flame. In my opinion, the flame was at the top of the windscreen frame before the roof had gone, and that was very early in the fire. The flame was attacking the windscreen frame when the roof was on. The force of that flame that was burning the brass windscreen frame was a more or less vertical stream of petrol from down below, and the source of that petrol was the loose petrol union.

What do you say with regard to the brass nut and this flame?—The nut has had a spurt of flame on it for some little time—I do not think from the same flame, but it has had a spurt of that kind.

Was it sustained?—Yes, sustained. It might be that the projecting lid of the dash would catch a piece of this flame and divert it on to the nut.

You have spoken about the position of the oil gauge nut. Apart from the kind of flame which you have indicated in your evidence, would you expect that brass oil gauge nut to be fused in its place?—No, certainly not, not in an ordinary fire.

In an ordinary fire you would expect it to be untouched?—Yes. On Exhibit No. 34 there is a cork washer in the petrol tap between the moving of the fixed parts. There was no cork washer on the pipe I examined on this car. Assuming there was a washer originally which had been destroyed by fire, it would give a gradually increased flow of petrol. You could then get petrol down both of those pipes coming out fairly freely.

When that stage was reached in the fire, when the flame destroyed the washer, and the pressure in the tank increased the flow, would the petrol tap play any part in the matter at all?—Yes; it is horizontal and about the size of half-a-crown, and when the cork washer is burned it just leaves a little gap about one-sixteenth of an inch wide, and that would act like a sprinkler with a forcibly fed stream of petrol. It would go out sideways in a spray like a lawn spray.

In your opinion, would it be possible to drive a car with a leaking union like you found?—You would have an explosive atmosphere inside the car in a minute or two. I have examined the cubic capacity of a Morris Minor body. Deducting the areas occupied by seats, and so on, there is roughly about 50 to 52 cubic feet of air space inside it.

When you speak about an explosive atmosphere, about how much petrol vapour would you need to produce an explosive atmosphere of that kind?—One-eighth of a pint would produce a mild sort of explosion, and a quarter of a pint would produce

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a very shattering explosion, assuming that it is thoroughly mixed in the air.

Therefore, to a driver of a car driving a car with a leakage of petrol from a nut so loosened, quite quickly it would be manifest?—Yes, it would also be a menace.

And if the time passed and a match was struck or a cigarette lit, you would have an explosive atmosphere. Do I understand you to say that?—You would quickly get an explosive atmosphere, assuming the car to be closed. You might get an explosive atmosphere with it open. It would depend on how open it was. I turned the car over upon its side and I discovered at the engine sump it was still damp with the usual accumulation of road dust and oil one finds under cars. I drew from that the conclusion that there had been no flame there to dry that accumulation of oily dust up. The engine sump is under the engine. It is the thing that comes nearest to the road. It is like an oblong dish projecting through the floor of the bonnet. The conclusion I came to was that there had not been a fire underneath the car in that place like there had been further back. I noticed the condition of the off-side running-board. It showed signs of a lot of fire underneath; it was nearly burned away. The rubber mat on the top was not burned. The near-side running-board was completely burned away.

From the fact that the near-side running-board was completely burned away, what conclusion do you draw?—It would be hard to burn it away from on top. I think you had a fierce fire underneath.

Could the union joint come a whole turn loose accidentally, in your opinion?—I do not think so. This joint has a male cone on the pipe of copper, of soft metal, fitting into a female cone on the tank end of the assembly, which is of brass, a harder metal. Now, those two cones have to be jammed together, without any washer—it is a metal-to-metal joint—and it has to be a very tight joint to hold petrol. In fact, one is often troubled with a joint which weeps a little although it is mechanically tight—they are harder to get petrol tight than they are to get mechanically tight—and the action of driving a soft cone in a springy pipe like this gives you a sort of back pressure on the shoulders of your joint and keeps it always tight. It would be wrong to say, and no one has attempted to use the word, “self-locking”—there is no self-locking about it, but it tends to maintain its tightness. It is not a designed factor; it is inherent. Mechanically it is not very likely to come loose. I have already said that if it did come loose and petrol flowed it would be manifest, but there is one point about that which I did not speak to. Not only have you got this pipe and these two cones there, but the pipe cannot rotate up and down, it is fixed into the carburettor at the other end so that it cannot rotate in the plane in which you require rotation to unscrew that nut. It is not

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self-locking, but its natural tendency is to make these nuts not come loose in practice, and in my experience, as a motorist only, they do not come loose.

By Mr. JUSTICE TALBOT—That is the object of them?—I do not think that is a designed factor.

If you make a joint you do not make a joint that would come loose by friction or vibration?—If these joints did come loose you would have cars blowing up in the streets.

And the manufacturers of them would disappear, I should imagine?—And the drivers and owners.

*Examination continued*—I have given a good deal of attention to the question of whether or not it might be accidentally loosened a whole turn. I have made various tests. The conclusion I have come to is it cannot be loosened accidentally, not if it is mechanically tight to start with; and I find not if it was even loose, only hand-tight. Having regard to the position of the union, it is not situated in a position where it is likely to be loosened accidentally; it is tucked away close under the tank and it is masked a bit from the passenger's and driver's feet by the two levers, the brake and the gear levers. I have seen the petrol can (Exhibit No. 27), and I have heard the evidence which has been given as to the position of the petrol can in the body of the car.

Having regard to the evidence of the car in its backward part that you saw, what do you say about the fire in the back part of the car?—To account for the condition of the car there you would require a continued source of fire—continued dripping of petrol—and continued for some minutes, not the sudden burst you would get when that can burst. It would require a fire fed with petrol continuously, I think.

Having regard to this petrol can in the position in which it was found, and the evidence that it was empty, what do you say about that petrol can and that possible source of supply?—That can has undoubtedly, of course, been in a fire with petrol in it.

Could that have been the source of supply that you have indicated in the back of the car—that petrol can in the back of the car feeding the fire?—Yes, it could. If the brass filler cap was not on tightly you would get a leakage from the can. I made a test as to leakage from a can. I found that if the cap itself was loose, but still on, you could get a leakage of petrol. I heard Police Constable Copping, Inspector Lawrence, and Police Constable Valentine say the can was in the position shown in that photograph (Exhibit No. 2) at 3.10 in the morning.

When the petrol can burst, as you say it must have burst, and the hole at the top where you pour in the petrol became as it is now, if there were flames already in the car, would they affect the petrol in that can?—Yes.

Would they ignite it?—No, I do not think it was ever ignited inside the can. There is no air there to make it burn.

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It was burst by pressure?—Yes.

Then would the petrol from that can become a source of flame after the can burst?—I think it was a source of flame before it burst, but after it burst there would be a rush of it.

By Mr. JUSTICE TALBOT—You mean there would be a feeding through the loose cap?—Yes, it looks like it.

And then a gradually accelerated feeding?—Yes, but that would go upwards. What I want is a continued feed through the floor, and that would give it to me, but I cannot put it too highly, and I do not want to put it too highly.

*Examination continued*—Have you formed any view about the amount of petrol in the petrol tank when the fire started?—Yes, I think it was very nearly full.

What leads you to that conclusion?—You have sustained fires in three places—sustained for a relatively considerable period of time.

Brown and Bailey gave evidence that they could see the glare when they came to the corner of Hardingstone Lane, and evidence has been given that before they extinguished it with buckets of water some appreciable time had elapsed. Does that agree with your own view of the evidence of the car itself?—Yes, it does.

And, that being so, do I understand you to say that the petrol tank was almost full?—I think it must have been nearly full.

Have you formed any view about the quantity inside the petrol can?—All I can say is that it is nearly certain—I will not put it higher than that—that the way that can was lying was such that the orifice was submerged below the petrol level. It depends on which way it is lying. If it is lying on its side, it is getting on for two-thirds of a gallon, and if it is lying on its narrow side, perhaps only half a gallon—and upside down it is very little.

The evidence which you have given with regard to the source of the fire, the intensity of the fire and the length of the fire—the sustained fire—are those in your view true inferences to be drawn from the facts?—In my view, yes.

And have you in your evidence done other than to give the true inferences from the facts as you saw them?—I have tried anxiously not to do other than give correct evidence.

Cross-examined by Mr. FINNEMORE—I am not an automobile engineer. I am certificated in electrical engineering. When I speak of 10,000 fires in 26 years, that includes fires of all sorts and conditions.

Including little insignificant ones?—We learn from little fires. We see fires at their beginnings then. A lot of them are little fires, some of them very big ones.

They are things that people send in claims for through an insurance company and you have to decide how much they ought to pay. Is that the sort of thing?—That is the sort of thing.



# Alfred Arthur Rouse.

Colonel Cuthbert Buckle

Some of them are quite trifling, £100 or so, but I have one in Berlin at present of £150,000.

When you speak of 10,000 fires in 26 years, is that a sort of round figure?—No, it is a safe figure. I looked it up in 1929. We had 1778 fires in one year. I supervise practically the whole of the work, but I did not see the 1778 personally, of course. The number of motor car fires is a comparatively small portion of the total. Fabric bodies on cars have only come in during the last two years or so. It is generally old cars that are burned. I have only seen half a dozen or less—four that I can remember. I know that some fabric material is more inflammable than others. The whole outer covering is fabric, and there is a wood frame underneath it. There are little bits at the corners, and so on, that are metal. Once it gets alight, if it is not put out, you will get a pretty complete destruction of the body. In addition to that, if you have leaking petrol and a petrol can inside, all that would intensify it.

When you say that things here were burned so badly as to be unusual in a roadside fire, it would be right to say, would it not, that the presence inside a small saloon car of a can of petrol which explodes is unusual?—Yes, but I was referring to the unusual position of the damage, underneath, coming down. The flames always go up. I mean that things were burned at the bottom. A petrol can does not go off with a big explosion. This was a pressure explosion. Supposing the can was standing as it is now I should expect it to fall down. It would not go up with the pressure of that burst.

Or go to one side?—Of course, it might do anything.

Really, nobody can say what it might do if there was an explosion?—It is not a violent explosion. It might fall over in the direction opposite from the burst. That is the sort of recoil that you would get, as you get with a gun being fired.

It might be blown against the side and cannon off again?—I do not think so.

Does it depend on the amount of petrol there is in the can?—Give me enough petrol to cover the cap, according to the position in which it is lying, then it does not depend upon the quantity.

You mean, if it is practically full or only half-full, the result of the explosion would be much the same?—It would take longer to explode if it was practically full.

Do you remember giving me an answer like that in the police court and then withdrawing it and saying it was a mistake?—I do not remember that.

You remember me putting this to you, that the fuller that can was the more certain it would be to go off?—That was another matter.

Was not your answer then that it would take longer to go off if it was fuller than if it was emptier, and then, before the clerk wrote it down, did you not say, "I want to take that back"?

# Evidence for Prosecution.

Colonel Cuthbert Buckle

Does that help you to remember at all?—No, I am afraid it does not. I want to remember it if I can, but I cannot.

Is it right that the more petrol there was the more certain you would be to get the explosion because there is less room for the gas to escape?—Yes, less room, and more to give you your pressure.

I understand you to say that if the cap is on loosely the petrol will escape?—Yes.

Supposing you got a can filled on the road with the top just put on loosely, and you lift it up on to the seat and put it down, you would get some of the petrol coming over the sides of the petrol can?—A little might splash over, and like that it might happen, of course.

Enough to become dangerous. This experiment has been tried, and I want to get your views about it. Would you expect to get enough to be dangerous?—I would get a little splash over.

And if it is put on its side you would get more?—Yes, you get a dripping from the top.

Now, once you have a fire in a fabric saloon motor car, with petrol escaping and a can of petrol which goes off, you would expect to get an extremely fierce fire?—I would expect to get a fire of certain characteristics while it lasted, but for a short while.

The short while would be while there was any fabric body left to burn?—Or petrol to burn.

Surely when you have both petrol and the fabric body and that can of petrol you would expect to find the whole body burned away unless it is put out?—Yes.

With regard to the fire underneath, you have heard, I take it, that the whole of the floor, and indeed the whole of the car, collapsed on the road?—Yes. There were floor boards in the car; it had not a metal base.

That being so, you then get a fierce fire on the road under the car?—No. Why? I do not see that.

Because the burning floor boards and the burning upholstery fall through on to the road and continue to burn?—They are burned out before they fall through on to the road. You would have some glowing embers, but you would not have any considerable flaming.

I suggest that that would explain the burning of the various things underneath?—I do not agree.

Do you put it that it was through the leakage of petrol going through the car on to the road?—Yes, and flames from where the petrol got through the joints in the floor boards—where the vapour had got through.

When you get petrol vapour it is the actual vapour which ignites, not the liquid itself?—It is the vapour and the air, of course.

# Alfred Arthur Rouse.

Colonel Cuthbert Buckle

When you get a fire of that sort in a motor car, the flame is all over the car almost instantaneously, is it not?—Yes.

By Mr. JUSTICE TALBOT—Do I understand you say it is like feeding a bonfire? You may not have a great blaze at the start, which may be caused in the way put to you, but what you find here is the intense flame going on for a considerable time and so strong that it will fuse metal?—Yes.

And you say that to do that it is necessary to have something which will feed the bonfire, as it were?—To feed it more or less continuously within moderation—continuously for a short time.

*Cross-examination continued*—I think you mentioned two or three minutes?—I think I said three or four minutes, if you are referring to the windscreen.

By Mr. JUSTICE TALBOT—A bonfire with any ordinary inflammable material, however caused, will eventually die down?—Yes, but there is the question of it being replenished from low points.

*Cross-examination continued*—You have some petrol coming from the tank and you have a can of petrol inside the car and you have a body of very inflammable material?—Well, all the flames go up.

If this leaky petrol joint had been leaking, even to a small extent, for some time, and you have a carpet or a mat on the floor which would be soaking it up, that, of course, would become a highly dangerous thing?—Very liable to blow your car up.

And in the case of something causing the ignition of the petrol vapour coming from that, assume that for the moment, that would cause your instantaneous blaze?—Instantaneous general blaze, yes.

Then the joint itself, which is loose and leaking, immediately fires up as well?—If one assumes it is loose and leaking.

I take it that that is what you suggest?—I do.

Assuming it was loose and leaking, the primary fire may be from petrol vapour on the floor of the car on a soaked mat?—It may come from anywhere.

Then the moment you get the primary fire started in that way you get that peculiar fire to which you have referred?—Yes, from anywhere.

I take it that there is nothing which enables anybody to see with any certainty what the primary fire was caused by or how it started?—As to how it started, nothing whatever.

What I mean is whether it was the mat in the car or something else in the car burning first?—As between the mat and the stream it would be a neck-and-neck race. They would all go up together. As to the other part, there is no evidence whatever to show how this petrol got alight. I did not find a match.

Or the spark, if there was one?—No, nor the spark.

One cause, with the engine running, might be a spark?—Yes.

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Colonel Cuthbert Buckle

Another one which you did not mention would be a match?—Yes, of course, obviously.

And, if I might suggest something else as well—supposing the can is leaking a little, and a foolish man, not used to these things, strikes his match on that tin, that would do it?—Yes, certainly.

So that any one of those things might have been the cause of the fire?—Yes. You can fire petrol from a little distance. You have not to put your match right there; the vapour will go up immediately.

So that once you get some petrol vapour in a car, if you get a naked light, even a small one, you have a very perilous situation?—Yes, very.

Then if you have as well the loose or leaky joint to which you have made reference, you have something to give the feeding which produced that curious effect upon the windscreen?—Yes.

The vapour might get ignited by an electric spark while the car is standing still?—Yes, I said so.

I have no doubt that in your experience you have heard or read of cases of that sort?—I know it is possible.

That might happen in a number of ways, I take it. Let me suggest one. Take the self-starter switch. If somebody was starting the self-starter, it would cause a spark, and if the box in which the spark is made is not absolutely air-tight, that could do it?—Yes, that could do it.

Secondly, you probably know that on the Morris Minor car just outside that box at the bottom of the self-starter there are the terminals of a live wire?—Yes.

Am I right in suggesting that those terminals have a rather small clearance between themselves and the metal of the box?—Yes, it is quite small.

So that if one of those got loose, and only a very little bit loose, and it just came in contact with the gearbox, you would get your spark. A lighting wire where the insulation had chafed or worn might cause it?—Yes.

Nobody can say now whether that was so or not?—No.

When you said, "I examined the coil and battery ignition system and found no indication of anything wrong with that system," you did not mean, of course, the insulation of the wires?—No, I said so. So far as one can tell now, I could not see anything wrong. I could not see any indication of anything being wrong.

Nor any indication whether the wires were right or wrong?—Well, practically I think you might say that.

Not practically—absolutely definitely. All the insulation has been burned off the wires, has it not?—The wires leading up to the coils. There are wires in the coils as well.

I am not concerned with that. What I mean is this—nobody can say whether the wiring was in a condition which was either

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worn or chafed, or in such a condition as to have caused a spark?  
—Nobody in the world.

I did not want it to be misunderstood that you had found evidence that it was all right?—No, I have not.

About the other causes of fire which you mentioned, you mentioned one about the sticking of the inlet valves?—Yes.

And you mentioned that you examined the car and found no sign of a sticking valve. You did not take the head off?—Not the cylinder head—the valve cover.

It is not possible for anybody to say with certainty that there is no sticking unless that is done, because you might have carbon on the side of the valve?—Yes, you might.

That would then still be left open?—Yes.

By Mr. JUSTICE TALBOT—Do you say that would cause sticking?—It would prevent the valve from entirely closing. It is a slightly different thing from sticking, but it has the same effect.

*Cross-examination continued*—The same effect from the point of view of fire?—Yes.

Then the next thing was the question of a flame blowing back from a defective joint on the exhaust, plus, of course, a leakage of petrol flowing out. I gather that you did find the exhaust here, in fact, loose?—Yes, I did.

Three nuts were only just spanner-tight, and the fourth only just hand-tight?—Yes.

There is a joint there. It is not metal to metal?—No. They are machined surfaces, metal to metal. I am quite sure about that.

Does that come loose by friction or vibration?—The studs loosen; they would loosen a little more when they were hot. I examined it cold.

You have said that that was a possible cause of fire?—Yes.

But I may assume that you are satisfied that there was some looseness before the fire, as far as you can judge?—Yes. I am certain there was.

Would that be caused by vibration?—Yes, and heat—a combination of the two things.

You mean the normal heat?—Yes, from the exhaust manifold.

So that in that position, at all events, you agree that joints which are tightened up by nuts with spanners will come loose as a result of vibration?—Undoubtedly.

With regard to the exhaust, to cause fire there you would want the engine running, I understand?—Yes.

Would that be an instantaneous fire, necessarily?—If there was an inflammable mixture of petrol vapour and air there, yes.

Is there anything else which could start it before it reached that?—No, not with that degree of looseness which I found.

What would there be? Is there anything there, or near by?—No, not to be set on fire without inflammable vapour.

## Evidence for Prosecution.

Colonel Cuthbert Buckle

If it starts, it then goes through and meets the real source of petrol?—Yes.

Is that possible?—No, I do not think so.

With regard to the water joint, you say you would quite likely expect the top water joint to be burned, but the lower one surprised you?—Yes.

Is that because you cannot say where the petrol came from?—No. It is an important matter. Flames go upwards from a base. This is low and it is filled with water.

It is right in front of the radiator?—Behind the radiator in front of the engine.

You are not disputing the point that if it got covered with petrol it would in fact burn?—Yes, it would.

The water inside would not stop that, of course?—No.

If the top of the carburettor was blown off, that, of course, would spray petrol about the front part of the engine?—It would, but I do not think that is at all likely to happen.

I am going to suggest to you that it probably did happen in this case, and if that was so some of that petrol would get on to that very water joint referred to, and so explain why it was found burnt?—I will explain it for you if you wish me to, but that would not be my explanation.

Do you agree with that?—No, I do not think that is probable. There is a more obvious cause.

Is it possible, taking that first of all?—It might be possible. I think that has been burned from the continuing fire. It is one of the facts which indicate the continuing fire from the open carburettor end of the petrol pipe—after the carburettor had more or less disintegrated, and its float and valve had ceased to function as such.

Putting it in simple language, do you mean that the carburettor was melted and the petrol then, instead of flowing into the carburettor, flows into the engine?—It flows out of this joint which has clean gone for a longer time, and would give me more petrol than you are trying to give me.

When the pipe is melted it is a considerable distance from the water joint?—No. At a guess it is about eight or nine inches.

And the petrol, instead of going on, would fall through the engine on to the ground?—No, it cannot fall on to the ground. It falls on to a little tray on the bottom of the engine space.

Is there such a thing as that in the little Morris Minor?—Yes, I think there is.

I am suggesting that there is not, and that they do not make it for the Morris Minor car?—I do not think that is right.

There is no sign of one, is there, in the debris of the car?—There is something to prevent dirt getting up into your engine, but what it is I am not prepared to say without going and looking at it.

# Alfred Arthur Rouse.

Colonel Cuthbert Buckle

What I am putting to you is that there is nothing of that sort at all in a Morris Minor car?—I am of opinion that there is, and I saw the engine sump projecting through it when the car was turned over.

If there is not in fact, then the petrol would not get to the water joint, but would go on to the ground?—It might reach the water joint even then. There is a fire raging round it, and when it comes down a hot pipe it would shoot out.

Is it not more reasonable that the carburettor burst and the top flew off?—No, I do not think that is anything like so reasonable.

As long as there is petrol flowing into the carburettor the carburettor would not, and could not, melt because of the petrol in it. Surely that is right, is it not?—It depends on how much petrol there is in it, and where it melts.

The point is that the carburettor is connected with the tank?—Yes.

And the flow of petrol is coming from the tank to the carburettor?—Yes.

We are both assuming that, because otherwise your explanation does not help?—No, quite so.

I am suggesting that as long as that petrol is flowing into the carburettor, and there is petrol in the carburettor, it cannot melt. I am putting it as high as that?—But there may be a fire burning underneath it so fiercely that petrol cannot stay there as liquid petrol, and the cooling effect of the petrol cannot take place.

Where does that fire come from?—From the burning petrol.

The whole case is that the fire starts in the body of the car, is it not? That is the case which you have been putting all the time?—Yes, but it may have also started under the engine. There has been a fire there, but when that started, I do not know.

Is not the obvious explanation this, that the carburettor, while it is still full of petrol, bursts, and that sprays the petrol on the engine and causes the fire there?—I do not think so.

Is it not the only reasonable explanation?—I do not agree.

Otherwise you have got your carburettor melting while it is still being supplied with petrol, and therefore no leakage into the engine at all?—But the carburettor body may be so hot that liquid petrol cannot live there. There are conditions of heating in which liquid cannot exist.

Up to that point there has been nothing to cause the carburettor to be in that unnaturally hot condition?—

Mr. JUSTICE TALBOT—That is another point. (*To Witness*)—You are supposing a fierce flame outside the carburettor?—Yes.

That would volatilise it, or whatever you call it?—Yes.

*Cross-examination continued*—There is no evidence of that at all of any sort, is there?—There is evidence of considerable fire there, and there is the fused body of the carburettor.

# Evidence for Prosecution.

Colonel Cuthbert Buckle

Of course there is at some time, but what I am putting to you is that there is no evidence of any sort or kind to show that there was a fire under the carburettor before it either burst or melted, or something happened to the carburettor itself?—No, I cannot say that it was there before. It was there at some stage.

Do you agree with this with positiveness, that unless there was, and as long as petrol went into the carburettor it could not have melted, but if it was damaged it must have burst?—If there was no fire outside, I do agree.

Does that not seem to you, looking at it now, to be the obvious explanation?—No, it does not.

Very well. If, of course, it did burst, then it would scatter petrol?—Yes.

And that might account for the burning of the lower water joint?—Yes. It would not scatter. I do not think it would account for the burning of that joint.

If I am right, I suggest that no melting of the carburettor would take place until there is no more petrol going through it, in short, until the tank is empty. Do you follow what I mean?—I follow what you mean, but I do not agree with it.

If you are right, and the carburettor melts while there is still plenty of petrol in the tank, you get a big flow of petrol right into the engine?—Not into the engine.

By the side of the engine —Under the bonnet.

And you would expect then a big fire all round and under the engine?—Not necessarily under the engine. There has been a big fire there.

The point was that the sump of the engine and everything was quite in its natural state of damp oil and dust, and that there was no fire under the engine. I thought that was one of your big points?—Yes. There is no fire under the engine.

What I am suggesting to you is that if, as you suggest, the pipe had come away from the carburettor while petrol was still flowing, then you would get your petrol and your petrol fire necessarily under the engine?—You would not have that damp sump then. I do not think so.

By Mr. JUSTICE TALBOT—Where would the petrol go?—That petrol, if I am right, is leaking out into the body of the car from two other places, and all of it would not go down that pipe. I am not prepared to say how much would.

I think counsel is only asking you as to what did go down that pipe?—It might be that it sufficed to do the damage under the carburettor, but it still might not be enough to get on to the ground and do the damage under the sump.

*Cross-examination continued*—You have got the one-turn flow?—Yes.

And the cork washer you referred to?—Yes.

I am suggesting exactly the same principle applies to that.



# Alfred Arthur Rouse.

Colonel Cuthbert Buckle

That would not burn until the petrol tank is empty and petrol is no longer flowing down that pipe?—I think that probably would.

I suggest that while you have got petrol flowing down the pipe in the tap that cork washer will not burn?—I think it probably will. My reasons for thinking so are these: if I have a fierce system of fires here, this is not connected to the petrol tank, it is purely in metallic contact with it. It is separated from the cooling powers of the petrol by a cork washer here, and I think the sides of this would get so hot that this cork washer would be burned away, but I think it would take some little time.

What do you mean by some time?—It is a very thin cork washer. I would not expect it to go in under a minute.

I suggest that it would probably be a good deal longer, but what I am putting is that it would not go while petrol was flowing down that pipe?—I do not accept that. I think it could, and probably would.

And for those reasons I am suggesting, so far as it is material to my case, that the tank was probably not nearly full, but more likely nearly empty?—I understand your suggestion, and I do not agree.

If it were, it would explain, would it not, why the carburettor goes, why the cork washer goes, and why the tank itself shows no sign of explosion or pressure at all, and, of course, no fire under the engine, which is what we have been discussing?—I do not agree. It would fail to show also other things.

First, you will agree with me it would fit in exactly with what I have suggested?—Yes, I think it would.

But you say that it would not necessarily exclude your theory. That is how you are putting it?—Yes, I think that is fair.

By Mr. JUSTICE TALBOT—I am not quite sure that I know where we are left about that. Do you say from what you saw that the tank might have been empty, or nearly empty?—No, I do not. Mr. Finnemore put a chain of assumptions to me, and he said that those things could happen with a tank nearly empty. I think they could.

The impression that may be left in the minds of the jury is that it is at least as likely as not that the tank was empty or nearly empty?—May I remind you of the evidence—

Never mind about me, but with people like you expert gentlemen you think a lot of things are understood which are not understood, and what counsel is trying to do is to get the impression produced that your view is favourable to his case. That is what he is here for. What I want to know is why you say that the tank must have been either full or very nearly full?—Because of the remarkable evidences in various places of relatively long continuous fire, which I stressed in my examination-in-chief.

*Cross-examination continued*—Does that mean in effect the

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fusing of the windscreen?—It does mean that in effect, and the damage under the bonnet.

But that occurs, according to you, without any fire under the engine?—Yes.

I suggest—I thought you would agree with this—that if the carburettor top burst off, that would account for the damage, would it not, in the radiator, or behind it?—I do not think your explanation is as good a one as mine, but it could happen in that way, I daresay.

We are getting a little way along on that point. Now, the other point that you put on that is what we called the blow-pipe fire; that is the one from the loose petrol joint itself which appears to have fused the windscreen?—Yes.

That, I think you said, was a matter of two or three minutes?—At least, I think—three or four minutes at least, I think I said.

Is that about your idea of it?—Well, I am inclined to think I have understated it rather, but I adhere to that answer. I think it is an understatement rather than an overstatement.

You would not empty the tank, of course, in anything like that time if it was full?—When you have the pressure behind it and the washer burned out, and the carburettor gone, I would not say that you would not very nearly empty it in that time.

Leave pressure out for a moment. It has to come through the pipe, has it not?—Not after that cork washer has gone—not through this pipe, but through those two pipes (indicating on Exhibit No. 33).

Whether it is the carburettor or the loose joint, or whether it is the leaky washer, it has all to come down to the two pipes from the tank itself. There is no other exit?—Yes.

Would it come out when the cork washer is burned much more quickly there than from the loose petrol joint?—I should say it would.

Is there much or not much in it?—I should think there is a good deal in it—an unrestricted flow, I should call that then, but deflected—a deflected, unrestricted flow.

And therefore that would have a considerable bearing on the question whether or not that washer was burned early or late in the fire?—Yes.

So that you have to allow for four gallons or five, or whatever there is in this tank, coming through these two pipes at the top. Wherever it leaks afterwards, it has all to come through there?—Yes.

That is beyond question?—Yes.

You do not suggest that that could possibly happen in three or four minutes?—Under pressure from the other side. It is guesswork. Without trying it, I cannot say.

The only thing which you have tried is the loose petrol joint?—Yes.

# Alfred Arthur Rouse.

Colonel Cathbert Buckle

And, of course, coming out of that by itself it would have taken something like an hour and a half on the ordinary flow, or more—on your own test, I mean?—That is arithmetic. If you say it is an hour and a half I will accept it.

I believe it is an hour and three-quarters, but anyhow it is a long time?—I accept your arithmetic.

On reflection, does not three or four minutes, even with the cork washer gone, begin to look a very big underestimate, if the tank was full?—I think it is an underestimate.

But a very big one?—I am not prepared to say how big. I have not the data to go upon.

Surely if you make the underestimate on any data, and afterwards have cause to revise it, as you are perfectly entitled to do, there must be some data for that?—I did not make that on data; I made that in answer to you.

You knew what you were saying?—I gave you all I could give you at that time—a reasonable answer.

By Mr. JUSTICE TALBOT—If you gave him too much, there is no reason why you should not correct it. What I want to know is what is the fact?—The answer I gave was that it would take a flame impinging on that windscreen three or four minutes to fuse it.

*Cross-examination continued*—On the other point, as to the pressure, if I may deal with that now, what I am suggesting is that if the filler cap on the tank was loose there would be no pressure increased in the tank by the fire at all?—That is so, if it was loose enough, but that cap would be loosened by the fire.

You did not see it at all. It was not on when you saw it, I gather?—No. It does not screw on; you just drop it in.

That is, leaving it loose?—That would be leaving it entirely loose.

Having done that, you push it down, turn it round, and it clips?—Yes.

It is a bayonet clip?—It feels like a bayonet action, but it is not a bayonet clip, as a matter of fact.

If in fact the petrol filler cap was loose at the time of the fire, you would get no extra pressure because of the fire from the tank?—No, that is so.

You know that in fact it is said it was found loose?—I heard it said it was found loose, because of the burning away of the soft filling substance inside it—the soft washer. It could not do that until a late stage in the fire.

And therefore it may well have been loose all the time?—I cannot say that, of course.

Otherwise you would get—would you not—your bulging or explosion in the tank itself, because of the cap being fastened down, and there would be great pressure if it was fastened down?—It would have a race between the development of pressure and the escape of petrol, as to which won.

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Knowing what that is, and seeing these two pipes, if the petrol tank was really full and the filler cap was tightly on, would you have any doubt that the bulging and explosion would win the race?—Yes, I have some doubt on that point.

By Mr. JUSTICE TALBOT—It depends on the explosion, I gather, does it not?—It takes time to boil a liquid.

I only took your own words. You said you had some doubt. I think you meant that the probability is that it would be on the explosion, but if I am mistaken you will correct me?—If it was about three-quarters full at first, I think the odds would be on the explosion.

*Cross-examination continued*—And if more than three-quarters full, of course, still more so?—Yes.

So that if the tank, as you thought at one time, was nearly full, probably that cap must have been loose at the time?—Yes; but there is another point about that. If the cap was loose at the time, you would not need so much petrol in the tank to account for what I found.

Certainly, I was coming to that. But the next point is that the alternative is that there was a lot less petrol in the tank?—That is possible, if that cap was loose.

Now, just a question or two with regard to the tyres. Again, this was such a very complete fire, and with the can of petrol inside it, which, of course, added to it, that it is not surprising that this particular fire destroyed the tyres, is it?—It is still a little surprising. There has been a great deal of fire underneath it, so low down. That is what surprises me.

I put it to you that the reason why the off-side front wheel was not touched at all was probably the effect of the wind blowing across from that way?—Yes, with the fact that the carburettor-fed fire was on the other side of the engine.

Otherwise, at first sight, it might strike one as being rather unusual?—Yes. That is accounted for in that way.

With regard to the lugs. I think you suggested that if there had been a fire coming from the engine to the body, which fused the gearbox, you would have expected those lugs to have been fused?—Yes.

The point you made about the ends of the transmitter shaft is the same as the point about the floor underneath?—Yes.

And the point I have put to you about the floor collapsing and burning on the ground is the same?—Yes.

The places where the windscreen is fused are four inches and six inches from the near-side?—Yes.

Which means, of course, that that would be the worst part of the fire—the very hottest part, I gather?—Yes. These are the hottest signs I can find there.

That would be right by the passenger's left—in front of him, of course, but towards the left?—More in front of him than on his left. I examined the car on 4th December, a month after the

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accident had happened. I saw it in the outhouse at the Angel Lane Police Station. I understand Mr. Dickens examined it on the 14th of November. The Morris Minor car, of course, is a very small car. The gear lever and brake lever would mask to some extent the petrol joint which is above the foot-board or toe-board, and is completely exposed in the car. A passenger sitting beside the driver could put his right foot on it, but it is not easy. His right calf is bearing on the brake lever. I have tried it.

Other people have tried it, too, and I do not want to say more. If he stretches his leg at all and turns about and is moving his position and is fidgeting, his foot would automatically go on it time and again?—He could get his toe on it.

And would do so naturally?—Not naturally. It is fairly well tucked away.

By Mr. JUSTICE TALBOT—Well, easily?—Yes, easily.

*Cross-examination continued*—I was going to say that it would be likely to be touched by the foot of a passenger who would be moving about in a long journey in a small car?—You could touch it.

As regards the looseness of it, do we agree or not that if it is not mechanically tight at the start it can come loose by vibration?—I am not prepared to say that that is not possible.

May I take it that you have, therefore, rather modified the view you previously expressed?—No, I do not think so. I do not think it is probable; I think it is possible. My own experience tells me it is not probable.

You mean you have not had it happen to your car?—Yes.

That, I take it, is not a Morris Minor car?—No, it is not. It is a straight-eight Mercedes.

Probably in your car that is actually under the toe-board or the foot-board?—I have not one in the body of my car. Many cars in these days do not have it. It is characteristic of small cars.

There is no room to put it elsewhere?—No, when the tank is under the dash.

I do not want it to be misunderstood. We are dealing with an incident on an accident which happens to small cars and not the normal car, but dealing with accidents I want to suggest that it is not an infrequent thing by any means to find a joint like that, in fact, getting loose?—Getting loose, perhaps, but not leaking half a pint.

I am coming to that. I only want the last point for the moment. That would be because of the ordinary use, the vibration, and so on?—I do not think it is likely, it is possible for that to happen.

I put it to you before whether it would affect your view if a garage proprietor with considerable experience says it does happen frequently, and they often have them in to tighten up?—Yes, but

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when he told you that he would use the expression "a weeping joint." That does happen frequently. That is a joint which is mechanically tight, but not petrol tight, otherwise it does not go to a garage proprietor to be put right. If it is mechanically tight, but will not hold petrol, it has to be ground in with paste, but if it is not mechanically tight all it wants is a spanner put on it, and drivers do not take things like that to garage proprietors.

Is it one of the quite common things which a garage man looks at in a car which he has in for other reasons?—I should say not. It would surprise me to hear him say that he commonly does it, but if a garage proprietor says that he commonly does it, I cannot say that he does not.

Also, it is a thing which has to be disconnected from time to time for emptying the tank, or it may be for clearing out the petrol pipe?—It used to have to be in the old days with choked pipes, but nowadays most cars have a petrol filter on them, and you do not have to disconnect them so often.

And then if, when it is put up again, it is not jammed up tight with a spanner, I take it it would gradually become loose enough to allow a leakage of petrol?—It would allow a leakage of petrol all the time without the question of becoming looser. It has to be very tight to get it petrol tight.

Once it has got at all loose like that, then one's foot on it would quite easily move it still further?—Well, I have tried that. I have slackened the nut, and I have had jabs at it from the passenger's seat with my right foot. I then measured the nut, and I found that I had not moved it at all.

You said in examination-in-chief that you did not want to put the matter too high, and there was nothing locking about that joint?—No, nothing locking.

That is literally true?—Yes. It is a plain nut and a plain thread.

Do you remember when I asked you about that before at the police court saying, "There is practically a self-locking feature in the joint"?—Yes, "self-locking" is a term which is often used. One speaks of locking a nut with a spring washer, but it is not really locked at all, and I tumbled into the error of using that expression. I agree it is an unfortunate expression.

Now, was this wrong—I noticed that you have not said it to-day—that if there was a loose joint like this and petrol was coming out there would be actually a puddle of petrol in the car?—Yes, you would get a puddle of petrol—half a pint in a minute and twenty seconds—coming out on to the floor of the car. "Puddle" is not a very accurate expression.

The suggestion is that there must have been something which was obvious to the people in the car?—Yes.

And obviously if there was a puddle, strictly speaking, that is something which would be noticed?—Yes, and the smell from it.

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Never mind the smell from it. If petrol is leaking like that, a good deal of it will be absorbed by the carpet or mat, if such there be?—Yes.

And, secondly, that which is not absorbed will go through the car, through the cracks and crevices in the floor boards, on to the ground?—There is generally something on the floor of a car. I usually find a rubber mat.

Assuming for a moment it is an ordinary mat or carpet, and not a rubber mat, there would be no puddle of petrol on the floor?—No.

And also there is a division where the floor boards fit round the gearbox itself, quite a big space, which would help it to escape as well?—Yes.

Re-examined by Mr. NORMAN BIRKETT—If the fire had started in the space under the bonnet where the engine is, could the passenger have got out of the body?—Oh yes.

If the fire had started there, would you have expected to see the passenger face foremost in the driver's seat?—I should have expected to see him on the road trying to put the fire out.

The first matter my learned friend dealt with was the possibility of the explosion of this petrol can, suggesting that it might have gone off like a bomb. Would the position of that petrol can in the car be of importance in considering that question, as to whether it would go off like a bomb?—No, it would not go off like a bomb.

You agree with my learned friend that an explosion might make it fall down?—Yes.

If it did so fall down, and the cap was still on, and the result of the explosion had been this rent, would the petrol have been entirely consumed in the explosion or would there still be petrol left?—The bulk of it would have gone, but I cannot say that there would not be a little left. It would not be left long. I can say that. The position in which I find that petrol can with that rent, and the absence of the filler cap, suggest to me that there was an explosion.

Would it require considerable heat to produce the explosion in the back of the car?—Well, it would require either a small degree of heat for a long time or a bigger degree of heat for a shorter time. It is a scientific balance.

Would it be possible for you to say at all with any surety at what stage of the fire that explosion took place?—Yes, it would take place in the first minute or two.

This morning you used the analogy of the half-crown, and you told us the way in which the petrol fell on to it and formed a kind of spray. Would that have any effect upon the heat engendered near the petrol can?—Yes, it might have sprayed over into the back compartment.

It was suggested to you that the fire on the ground under-

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neath, which you emphasised in this case as a significant thing, might have been caused by the collapsed floor boards, fabric, and debris of the car. In your view, having regard to the matters which you indicated this morning, the burning of the near-side running-board and the surface of the off-side running-board, would the collapse of the body of the car and its subsequent burning account for the things which you saw?—No.

What, in your view, is the only explanation of the intensity of that fire which produced those results under the car?—Sustained leakage of petrol.

Now, at that part underneath the body, behind the seat backs, what possible source of petrol supply was there?—Only the petrol can.

Keeping that quite fairly in mind, therefore, so far as the hindmost part of the car is concerned, are we agreed that that can be the only source of petrol supply?—Yes.

My learned friend put to you a fabric saloon in which there was a fire—not giving any explanation of its source—and a can of petrol which goes off, and he then asked you if you would expect from those circumstances a fierce fire. If you had a fire in a car in which the fabric was ignited, would that be a quick-blazing fire from which you could escape or one from which you could not escape?—It would go fairly quickly, but you could escape from it.

Would it differ from the burning of lace curtains or a flannelette nightdress, or something of that nature?—It would not be so quick as lace curtains or a flannelette nightdress, but it would be a fire from which escape would be possible.

Supposing you got an ordinary leakage in a Morris Minor car, of petrol, which had dripped on to the mat, and so on, would there be any risk of explosion when a match or something was brought to it?—It is dependent on the rate of leakage. I think I said in evidence it takes about a quarter of a pint to make an explosive mixture of the whole of the atmosphere in this car.

It you get an explosive atmosphere and get an explosion, what would happen to the car?—If it happened to be the best kind of mixture the car would be disintegrated by the detonation.

From your examination of this car, is there any possibility that such a thing occurred here as an explosion which blew the car to pieces?—From the evidence I have heard in this Court, none, but from my own examination all the movable things on the car that could collapse had collapsed by the time I saw them.

But was the condition of things that you saw caused by explosion or by sustained fire?—From the evidence I have heard in this Court, they were all caused by sustained fire, and there is not a vestige of evidence of any explosion.

If you had accidentally in the car a leakage of petrol that had been overlooked, or its danger not recognised, which had been



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dripping until you got an explosive atmosphere, you would be able to smell it quite distinctly?—Yes, before it got dangerous.

Assume that, and a match was struck or some spark ignited that vapour, would you get a fire?—Yes, either a woolly one or a fierce one.

If you got an explosion, I understand you to say the car would be blown to bits?—Very violently—blown to bits, and all the neighbourhood would hear it for a mile round. I have examined the debris of this car, and as a result of that examination it is my view that the things I saw were caused by sustained fire. I heard the evidence given by Bailey and Brown on walking up from Northampton. They would have been able to hear an explosion walking up the road, and so would the whole village of Hardingstone.

It was said by my learned friend by suggestion that if there had been a leakage from the loosened union joint on the petrol tap you would not have a puddle or a pool, but that it would be absorbed by the carpet or mat, or go through the cracks and crevices of the floor boards. First, would you be able to smell it?—Yes, and it would give you a thick headache. No person with a sense of smell could overlook it.

Secondly, do you know what is the nature of the covering of the floor boards in a Morris Minor?—I have no personal knowledge.

If it was a rubber mat would the same considerations apply or not?—No. Then you would get what I referred to as a puddle.

Assume it was a coir or fibre mat, and petrol soaked on to it, what would the effect be in the car?—Well, that mat, according to its size, would act like a very good wick or a carburettor. It would carburette the vapour off into the car, and make the explosion a little more likely than it was before. It would be the more violent kind of explosion.

How long would it take for such a fibre mat to vaporise or volatilise the petrol vapour—say, a quarter of a pint?—It is hard to answer that in terms of time. It depends on other things. It depends on how long you have stopped your engine, because you get a certain amount of warmth from the engine.

Assume a certain amount of warmth from the engine?—It would go pretty quickly. It would take probably two or three minutes.

If you are going to ignite petrol deliberately, are there any precautions that you must take?—Yes, get your match there before you turn your petrol on. It is so dangerous to light petrol that you want to get your match there simultaneously with your flow of petrol, or just before. If you do not do so, you may get an explosion, or you will almost certainly lose your eyebrows, as you would get a flash up in your face. Supposing you were wearing a hat, for example, there would be a danger of the hat being burned. The direction of the flame might be all round,

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if it was very bad, if you left it too long before applying your match. If you applied your match at a fairly early stage I would expect it to come up at you from the floor.

From what you have seen of the debris in this car, is it at all likely in your view that the fire did originate from a soaked mat or anything of that kind?—It could have been in the earlier stages of the soaking of the mat before you got an explosive atmosphere. I am quite clear there was no explosion.

But could you get a mat soaked with dripping petrol without the knowledge of the persons seated in the car?—No.

My learned friend cross-examined you with regard to your evidence about the sticking of the valves and the blowing off of port No. 4. Could that possibly happen if the engine was running?—The sticking could happen, but no fire could result with the engine running.

Is that quite clear?—Yes; and the same with the blowing of the exhaust port.

With regard to the exhaust and the escape from the manifold, could there be any possibility of fire, if the engine was stopped, from that source?—No.

I come to the third matter, the matter of this possible spark. My learned friend put to you a possibility that a foolish man had struck a match on the petrol can which might have caused this fire. Is that a kind of possibility that can really be considered?—I should not have thought so.

Supposing there had been the striking of a match by a foolish man upon that can, would it have been a sudden fierce fire from which there was no escape?—No.

Again, supposing that there had been a leakage of petrol from the petrol can, either from the brass screw or on the surface, what would you have expected to find if there was the striking of a match by a foolish man upon it, and the petrol on the can was ignited?—Just flashes of flame

Would it be easily extinguishable?—Yes, if you went about it in the proper way.

Would it be such a fire as that from which escape would be easy?—Yes.

The possibility of petrol vapour being ignited at a distance must be considered. If you were some distance from it and struck your match, it would still light?—Yes. You can light back along a train of petrol vapour.

But if that was the kind of flame, what sort of fire would it be?—If you have a big enough leakage of petrol to give you a train of vapour, along the train when that lights back there will be a big fire all over.

But that would be easily visible too? When you assume there was a train of vapour extending some distance back to the can, it would be easy to see?—Not to see—to smell.

Where does the vapour come from?—Liquid petrol.

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Is the situation of liquid petrol to be seen?—Yes, the situation of it is to be seen, and the smell of it is to be smelt.

Now, take linoleum, would petrol soak into linoleum as it would into a fibre mat?—No, it would stay on the surface. I do not know the standard in a Morris Minor car. I do not know, nor have I any means of knowing, what was the floor-board covering by way of carpet or mat in that Morris Minor car that night. Before you could get a fire from petrol ignited by a spark, you would have to have a leakage of petrol, and, of course, you would have to have a spark.

If you had a leakage of petrol from the tank joint which was loosened in this case and it dripped down, where would the nearest available spark be to that source of leakage?—In one of the switches on the wiring system, probably; it might be the self-starter control, or it might be one of the light switches, or it might be the switch which switches on the whole lot of lights. I think those are the nearest things.

When you speak of a spark, and that spark igniting petrol, would the defect which caused the spark be there for some time before the leakage of the petrol?—I cannot say that. It might or it might not be.

If the spark had been there some time, and the petrol comes, then you get a fire?—I do not think the spark could have been there for some time. You have to have the coincidence of the spark and the petrol.

Would you be likely to get those two things without the fore-knowledge of the owner or driver, or person in possession of the car?—No, he would know of the leakage of the petrol.

And, of course, if the spark was previously existing, and then the petrol came to it, you might get a fire?—You would if you had a previously existing spark.

What is a spark?—A spark implies something rapidly passing. If it is pre-existing, it is hardly a spark.

My question was put quite designedly in order to get this point clear. What is a spark? Take, for instance, the positive and negative ends of two wires meeting?—That kind of spark which takes place in an air gap is the burning of nitrogen and hydrogen gases under the influence of heat caused by a current of electricity.

Would such a spark as you are there speaking of ignite the petrol in favourable circumstances?—Yes.

Would that spark be an instantaneous thing? Would it come and go, or would it last so long as the current lasted?—Generally. I mean it would always come and go, passing instantly—thousands of miles a second, but, to be fair, there is such a thing as a sustained spark which we call "arcing." That is not so likely to happen. It would give you a flicker on your lights or your self-starter would not work.

Before such a spark, coming and going, could be the source

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of fire in a car, would it be necessary to have a petrol-prepared atmosphere?—If you put in the word “ sudden ” fire or “ quick ” fire, it would be necessary, otherwise you would have one of my slow smelly fires.

Taking the atmosphere which such a spark could light, would it be possible to get such an atmosphere without the knowledge of the owner of the car sitting in the car?—No, it would not.

Now, as to the spark which has been referred to from the self-starter switch or the terminals of a live wire, where there was a small clearance, they are all of the same nature as the kind which you have described?—They would be quick-passing sparks, but there is also the possibility of arcing.

With regard to that second one, would there be indications to the person in the car that such a defect existed?—Yes, both electrically and by sense of smell.

Having regard to the brass windscreen, the oil gauge nut, and its location, and the debris examined by you in this case, is it your view that these things were caused by a fire that could so start by a spark—that fierce flame that burned up?—If you have the leak of petrol that caused that peculiar flame, it does not make any difference how it catches light; it can catch light from a spark or anything else, of course.

The possibility of a spark owing to a defect in the terminals of wire is, I suppose, a possibility upon any car?—Yes. This car that I examined was not many months old. Upon a fairly new car it is possible to have defects, but it is less likely upon a new car to have a fire. We find the fires occur on the old cars.

When the engine is stopped, as against the engine running, what do you say as to the possibility of a spark? Is it more or less likely when the engine is stopped?—Less likely when the engine is stopped.

Come now to the matter of the lower water joint and the questions that were asked about the carburettor. The question was put to you that if the top of the carburettor was blown away certain consequences might happen. I want to ask, first of all, what do you say with your expert knowledge as to the likelihood of the carburettor top being blown away?—I do not think it is likely, for this reason: there is a very small space in the carburettor chamber that is filled with a very large float which very nearly fills it. There is one air leak through the needle, and there is another to prevent you getting an air lock, and I think they would be quite enough to affect the pressure. I do not think you would blow that off. In a word, I do not think you would be likely to get the explosive condition inside the carburettor which would have that result.

If the carburettor top was not blown off, do you know of any reason for the burning of the water joint more likely than the explanation you have given?—No.

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Would the pressure from the petrol tank affect the flow of the petrol down to the carburettor?—That would be tending to increase the flow of petrol to the carburettor, and the loose joint would be having the contrary tendency.

Having regard to the fact that the carburettor had fallen off, what in your view was the most likely thing to have taken place with regard to the carburettor and the pipe leading to it?—There had been a fire in the space surrounding the carburettor from a leakage of petrol there, and it had melted the top of the carburettor, and then it had fallen away.

With regard to the cork washer about which you were questioned, you told us that it had been entirely burned away. Would you be able to form an estimate as to the cork washer being burned before the carburettor fell away, or *vice versa*?—I could not be precise on that, but I should think that the cork washer would go first.

You have told us, in your view, the petrol tank was nearly full. My learned friend put to you questions upon this hypothesis that the carburettor was gone, and the washer was gone, and the tank was intact, therefore the tank was nearer empty than full. What are the reasons which led you to say that, in your view, the tank was nearly full?—The amount of the burning and the places where it occurs. It has been sustained for so long. In my view, such a result on this car as I have described could not have been produced by a short, quick fire, and so the duration or length of the fire is a factor with me.

What do you say about the intensity of the fire which burned the brass and the amount of petrol necessary to produce it?—There was an impingement.

But could you get such an intense fire without a sustained supply producing the result you saw?—Not producing the result, because it would want time to do it.

On the question of the contents of the tank, what does that lead you to say?—That there must have been enough petrol in the tank to keep all these leakages going for a sustained time.

I do not know whether you could form an estimate of the minimum time that such fire would be continuing, to produce the result you saw?—I intended my original statement of three or four minutes to be the minimum, and I still think it is. With regard to the amount of the petrol in the tank, it is not possible to give with certainty any estimate of the minimum amount of petrol in the tank to produce the result in the time given. I have had the flow from these places for the requisite time, but how fast the petrol has been flowing out I do not know, and, therefore, if this cap was loose at an early stage of the fire, a small quantity would flow out for the time I want. If the cap was on tight, then a bigger quantity would flow out.

At any rate you are clear that it was sustained, and for some time?—Yes.

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Those are all the factors which led you to suppose that the tank was nearly full?—Yes, there was a good quantity of petrol there.

Would the intensity of the flame that produced the fusing of the brass windscreen frame be instantaneous or not?—No, it would take time.

Taking a person in possession of all his faculties, seated ordinarily in the passenger's seat, with the door upon his immediate left, and a fire that is burning upwards in the direction of the windscreen frame, would he be able to get out from the door upon his immediate left?—I should think so.

Would there be time?—I should think so, but I am not an expert on that.

I wanted you to tell me about the flame—that is all you can deal with—whether it was so swift or so quick that a man had no chance of moving?—No, I think he would get out anyhow, but he might be so badly burned that he might die of shock later.

You were asked questions about the two aluminium lugs on the flywheel casing. If the fire had begun forward, and it came back, and then produced that intense vertical flame you spoke about, is there any possibility that those lugs would have escaped?—Not if it came there in a flame. It was put to me that it might come through in a tiny, steady fire.

Would there in such a case have been an opportunity for anybody in the car to get out?—Yes.

That was put to you expressly on the footing that the fire started forward on the engine part of the motor and came backwards to the joint. If such a fire had originated in the engine forward, before you got the result you did get of the vertical flame consuming the brass windscreen, would it have taken a little time for it to come backwards until it reached that point—a fire from the engine coming through and then igniting a leakage of petrol to the windscreen?—Not if it flashed down the vapour. It might come through quickly then.

What is the exact position of the sump?—It is underneath the engine. It is the engine bottom, the oil pan. It is in the front. The carburettor is on the near-side, in the middle of the engine block.

What was the direction of the wind?—From the off-side forward. From the off-side to the near.

Would those factors account for the condition of the sump?—Yes.

About the loose petrol pipe, you experimented with your foot to try to loosen this nut?—I experimented to try and loosen a tight nut, and then I experimented to try and further loosen a loose nut.

First of all, would it be a natural thing for a passenger seated in a Morris Minor car, casually, idly, unthinkingly, to put his

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foot on that nut?—Not entirely naturally, but by no means difficult.

You made the experiment deliberately to unloosen them?—Yes, both with tightly screwed and partially unscrewed nuts. I could not loosen either of them.

Finally, it was suggested that a joint of that nature, tightened up with a spanner, might get loose by vibration. How long would it take for a nut to get a whole turn loose in such a union by vibration?—I do not think it is likely to do it at all.

If it did would it be noticeable from the flow of the petrol?—Yes.

Dr. ERIC HEMINGWAY SHAW, examined by Mr. ELWES—I live at 1 Billing Road, Northampton. I am a registered medical practitioner, honorary physician and pathologist to the Northampton General Hospital, and honorary pathologist to the Kettering Hospital. On 6th, 8th, and 10th November last, I examined the remains of a body that had been burned at Hardingstone. I conducted my examination in the "Crown" Inn.

What was left of that body that you found?—There were portions of the head, portions of the trunk, and portions of the limbs. The whole of the crown of the skull was burned away; that is to say, the whole of the top was gone. I collected a large number of parts of the top of the skull from the debris. As regards the face, it was practically intact—very badly charred, of course—and the front portion of the neck was burned away. There were some parts of the skull still remaining, the bones constituting the base of the skull. Portions of the clavicles or collar bones were left, but they were not complete. Practically the whole of the front of the chest and the bones of the front of the chest were burned away, exposing the contents inside the chest cavity. The skin on the front of the abdomen was intact—badly burned, but still present. As regards the rest of the body, there was no skin left anywhere except on the front of the abdomen. There was no hair anywhere on the body that I could find; it was all burned away. The arms were extremely charred, and, speaking from memory, they were burned out about the junction of the middle end of the lower third of the bones in both cases. I made notes at the time. Both forearms were burned off between the upper and the middle third of the arm, and they had the bones sticking out of the burned ends of the muscle. As regards the legs, there were parts of the knee joint and a little bit of the bone of the leg left. By that I mean the tibia. There would probably be about three inches. The amount that was left of either leg was almost the same, but there appeared to be more of the right leg than the left. I did not see the body, of course, until it had been taken to the "Crown" Inn. I found the body wrapped in sacking on the floor of the "Crown" Inn. That was on the 6th of November, between seven and eight at night.

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It follows from what you have said that neither of the feet was present?—No, not actually on the bone, but one foot was found amongst the debris. That was the right foot. As regards the muscles of the body, all the muscles on the surface were extremely charred and looked almost like brown matting fibre.

Can you say how the right foot had got severed from the leg?—When I found it, it was simply a charred mass, and I think the only fair inference that one could make is that it was burned off. The foot itself was shrunken up, as burning does shrink tissues, and you had the charred remains of a foot which looked as if it had been actually burned off.

What condition was the face in?—The tissues were very much shrunken and charred, and the skin and the hair burned away, but the features were recognisable as features. The jaws were still present; the upper jaw was intact, but the lower was fractured. I do not remember absolutely the details of the teeth. The dentition was rather an irregular one, but it was of such a nature as to make one think that the man was a full-grown man who had had his full set of teeth. Some of the teeth were decayed, and, with the teeth and other factors, you would think him to be a man of thirty or thereabouts.

Did you arrive at some conclusion about the size and the height of the man?—I made such measurements as I could on a charred corpse to get some rough idea of his height. For instance, taking the length of his back, it measured about 2 feet 3 inches; the shoulders gave a rough measurement of 14 inches and the thighs of 17 inches. By means of comparison with a policeman standing by, I arrived at the idea that the man should be of a height of about 5 feet 7 inches or 5 feet 8 inches. That is a rough comparison, because of the state of the corpse.

Coming back to the skull, you told us that the top part was all in pieces. Inside the front of the skull you found some blood, did you not?—Yes, there was a good deal of a hæmorrhage in the front of the skull, or rather a collection of dried, rather pinkish, powdery blood. I came to the conclusion that it might be there as the result of the fire, probably the intense heat. You would get rupture of the membranes of the brain in the vessels, and you would be rather apt to get that kind of hæmorrhage present.

By Mr. JUSTICE TALBOT—You mean after death?—Yes, after death, as the result of the fire.

*Examination continued*—I examined the spine, but I could not find any sign of fracture. When I actually got the body and straightened it out, it was in a state of flexion as though the limbs were pulled back.

By Mr. JUSTICE TALBOT—I do not know how much you could tell, but are you able to say whether that condition had been his condition when he died?—No, I would not like to express an



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opinion upon that point, because with a man being burned you get a condition of *rigor mortis*.

So that that means that you cannot form any very trustworthy inference as to how he was placed either just before or just after he died?—No, I think the only help in that direction is the actual position of the body in the car, which, unfortunately, I did not see.

We have heard some evidence, and you heard what one of the witnesses said about the bending up of the left leg under the body. Could that have been produced by the fire?—I think that intense flexion could have been produced by heat.

*Examination continued*—Is there some difference between the posture of the limbs as separate from the flexion of the muscle? Could you form any conclusion from the posture of the limbs?—No, I do not think you could, because it is extremely difficult to form a definite and trustworthy opinion of a corpse which has been wrapped up in sacking and bundled about.

I follow that, but supposing the left knee had been drawn up as far as it could be drawn up, do you think that could be explained by the heat of the fire?—I think it could be partly explained, because it would be in keeping with the rest. There is one fact which I think will transpire in examination to show that that flexion must have been intense to bring that limb up like that, because in my examination I have found petrol-soaked clothing in between the leg and the body.

It was pressed so close that the fire could not get to it?—Yes. I found that the majority of the muscular tissue was burned to a dark brown and rather resembled fibre in its appearance. When one got into the deeper muscles, the bones of the arms and the shoulders, then the result was a pink colour, very similar to that of the remains inside the body. The conclusion from that is that it was due to carbon monoxide circulating in the blood.

Would that lead you to any conclusion as to the cause of his death?—It would suggest that the man must have inhaled some gas of that nature previous to his death. There were no chest bones. The heart and lungs were laid bare. You could see them as soon as you looked at the body. I have prepared microscopic sections of all the remains. The bronchi are the large tubes which lead from the trachea, which is the main tube coming from the mouth to the lungs. I found black, carbon-stained mucus in the bronchi. Sir Bernard Spilsbury took that away to be examined. As the result of all my examinations I came to the conclusion that the body was a male body and a perfectly healthy one. (Shown Exhibit No. 35.) I found those pieces of clothes on the body between the legs; they are small pieces of clothing about four or five inches long, which are parts of the trousers, and there are two buttons attached. There is also a piece of lining and a piece of the pocket. That piece of the pocket had three pennies

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in it; they were not fused and were quite recognisable. The pocket was whole, so the pennies were not damaged. There was also a piece of shirt underneath the clothing, and a piece of woollen material such as you find in pants. I do not think I could tell which leg I took those clothes off, because they came out from between the fork of the legs. I also found a piece of leather, which appeared to be a piece of a belt.

Was there anything about it when you found it? Did it smell of anything?—The cloth itself smelt as if it was soaked in petrol, and it was damp when I first removed it from the body. Superintendent Brumby gave me the mallet. On one end of the head of the mallet I found some hairs. I removed three hairs from the end of the head of the mallet. When I received the mallet the head at one end was dirty with a rather granular, black sort of soil in small amount, and the hairs appeared to be embedded in that soil.

Were they underneath the soil?—To the extent that one had to lift them out with forceps they were attached to it. I should not like to say that they were underneath it. I examined the hairs, and came to the conclusion in regard to at least one of them that it was a human hair. It was a lightish colour—I would not like to specify any particular colour—but it was certainly not dark.

By Mr. JUSTICE TALBOT—Are you able to speak with certainty as to whether it was human?—I would give it as my opinion that it was human.

As a matter of science, is it possible to say definitely, "This is a hair of a man; this is a hair of a fox; this is a hair of a rabbit," and so on?—I think you can quite definitely segregate hairs into groups like that, but I know of no definite test whereby one can test a hair as one can do with blood, and say, "This is human blood."

I am afraid I am old enough to remember the discovery of the blood test. Before that, scientific gentlemen had to say in the box, "I cannot say it is human blood; all I can say is that it is mammalian." Now they can say with certainty. Can you do that with regard to hair?—You cannot say it with that scientific definiteness that you can with regard to the blood, but you can from the microscopic appearances of it and comparison with hairs of human type. And I think the tests are sufficient to enable one to say with fair certainty, "This I consider to be a human hair."

*Examination continued*—Did you form any opinion as to where that hair which you examined had been broken off? Was the root present?—There was no root present—not on the long hair. The root was present on one of the smallest fragments. There were three fragments of hair. One was about  $3\frac{1}{2}$  centimetres; another one was  $1\frac{1}{2}$  centimetres, and the other one was about 1 centimetre.  $3\frac{1}{2}$  centimetres would correspond to  $1\frac{1}{4}$  inches.

Could you see how it had come off the head? Had it come off apparently, or been broken off?—I do not think the evidence is

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sufficient to enable me to say that. The appearance was that one of the hairs was broken.

Did you leave any hair on the mallet? Did you take it all off, or did you leave some on?—I think I have a note that I removed three hairs and left one.

Did Sir Bernard Spilsbury also examine those hairs?—He did.

Can you tell us what your opinion is as to the cause of death?—My opinion is that death was due to shock following severe burns.

Cross-examined by Mr. FINNEMORE—With regard to the body, first of all, I gather that the whole of the body was so badly burned that the limbs were very, very brittle and liable to break?—Very. The right foot was burned off.

When you say “burned off,” do you mean literally burned like a piece of wood, or charred right down and then, when the body is moved, it just falls off?—I say burned, because the upper surface of the foot, so far as one could make out, was charred; therefore I used the expression “burned.” It had come off as the result of burning. Just a slight touch would have caused it to break off.

You were asked about the intense flexion of the left leg, and you mentioned that it was, at all events, partly due to the heat rigor. Do you mean by that, that supposing the leg had already been bent some, then, when the man died from the burning, that forces it up still more?—I think you would get still further flexion.

That is, I gather from you, symptomatic of serious burning?—Yes.

With regard to the mallet, there were three little fragments which you took off which appeared to be hairs. As to the one which was  $1\frac{1}{2}$  inches long, you have come to the opinion that that was probably a human hair of lightish colour?—I have.

That had no root?—No.

And the end appeared to be broken?—Yes.

I understood you to say that you could not say just how it had come from the head. Sometimes in brushing the hair one does get hair coming out, and some of those are sometimes found with no root and with a broken end?—I think it is usual when you have hairs coming out on the comb or brush for them to have roots attached.

But it is not unusual to find some of them occasionally without a root?—I do not think that one could deny that a hair can be broken.

With regard to the other two, I think one was only half an inch long and the other only quarter of an inch. Do I gather that you do not wish to express an opinion as to whether they were human hairs or not?—Since my evidence in the Police Court, I have taken micro-photographs of these hairs, and the root of

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the little one is extremely like the root of a human hair, so I am inclined at present to say that possibly it is a human hair.

That is one that has a root?—Yes.

What about the other one?—I would not care to express an opinion at all on the other one.

Is one of the main points of difference between human and animal hair the thickness of the core which runs through the hair?—The medulla—the medulla in the human hair is very much smaller than in the other.

That is, I think, one of the main things that one looks for microscopically?—It is one of the points.

I am suggesting on Dr. Harvey Wyatt's examination of them that the two smaller pieces have a very much wider medulla or core than the larger piece?—One of them.

You do not think both of them?—I have micro-photographs with me which would clear up that point if I may produce them. (Photographs produced and marked Exhibits Nos. 40, 41, and 42.) In these micro-photographs the long hair shows no medulla at all.

By Mr. JUSTICE TALBOT—I understand in the case of Exhibit No. 41 you would not go further than to say that you thought from the root that it was human?—Yes. I say that, having now taken that photograph of that root of hair, it is of the type of human hair.

It is the root in that case on which you form an opinion?—It is the root on which I would say that the likeness was like the human hair.

*Cross-examination continued*—Exhibit No. 42 might be an animal hair; that is one I do not express any opinion about at all. There was another hair still left on the mallet. The hairs I took were all singly on the mallet. I examined the mallet to see if there were any signs of blood or bloodstains upon it, but there were none. There was no skin or tissue or anything of that sort.

The Court adjourned.

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Third Day—Wednesday, 28th January, 1931.

Dr. ERIC HEMINGWAY SHAW, recalled, re-examined by Mr. NORMAN BIRKETT—I have told the Court what I discovered when examining the remains. With regard to the jaws, I said that the upper jaw was complete, but that the lower jaw was fractured owing to the burning. The upper jaw was not fractured. With regard to the mallet, I spoke yesterday of soil dirt being on the mallet. I have visited the place where the mallet was found. The spot where it was found was pointed out to me. There is soil at that place. As far as a comparison of the appearance of the soil goes, it appears to me to be of a similar type to that on the mallet.

Sir BERNARD HENRY SPILSBURY, examined by Mr. NORMAN BIRKETT—I work at University College, Gower Street, London. I am a medical practitioner and am the Honorary Pathologist to the Home Office, and hold many other offices. On 10th November, with Dr. Shaw, I examined the remains of a body at the "Crown Inn," Hardingsstone. I was in Court yesterday, and I heard the evidence given by Dr. Shaw as to the findings. I agree entirely with the description which Dr. Shaw gave with regard to what was found among the remains. As he told the Court, certain mucus was handed to me for microscopical examination. I removed it, in fact, from the air passages. My microscopical examination of that mucus showed the presence in it of large numbers of fine particles of carbon, such as would be deposited from smoke. That leads me to say that that was evidence that the man had breathed some time after the fire started in the car. I found fluid lying free among the organs. It was a bright fluid, probably a mixture of blood and water. I subjected that liquid to chemical and spectroscopical tests. As a result, I found that that fluid contained the gas known as carbon monoxide, and that that gas was present in it in large amounts. I examined the blood from another part of the body. I failed to find carbon monoxide in the other sample of blood.

What conclusion do you draw from that fact?—Firstly, that this gas, which is a poisonous gas, had been produced, as is usual, in the course of a fire, but had not been inhaled for long because it had not had time to get into the blood in any appreciable amount, and that, therefore, the man had died shortly after the fire started.

When you say "Shortly after the fire started," are you able to say precisely as to the kind of time?—I should think within half a minute. I agree with Dr. Shaw that the cause of death was shock from burns.

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I want particularly to ask you about three matters. The first is about the position of the body in the car. You have heard the general description given of the position of the body found by the police officers. My learned friend, Mr. Finnemore, suggested to Inspector Lawrence that possibly the position of the body was consistent with a violent attempt to get across to the off-side to get out of the fire. What do you yourself say with regard to that position in the Morris Minor saloon?—I think it is consistent with the man either pitching forward or being thrown down, face downwards, on the seats of the car from the near-side door.

You heard the description given of the position of the right arm. What do you say about that?—That in such a movement the arm might catch on the back of the driver's seat and remain in that position. The left arm, of course, would be down by the side of the body, or under it possibly.

I want to ask you particularly about the legs. You have heard the description given of the left leg. What would be the effect of intense heat upon the limbs?—After the man had died, the heat in this case would be so intense as to spread rapidly through the skin to the muscles, and would progressively overheat them, and produce the condition of what is known as heat stiffening or heat rigor.

What would be the effect of heat rigor upon the muscles of the left leg?—It would forcibly shorten and contract the muscles, and would so cause the limb to be bent. The leg would be bent upon the thigh, and the thigh would be bent upwards over the abdomen. As to the condition of the left leg and thigh when I myself saw it, it was bent right up.

Against the abdomen?—I could not judge so much the leg, because a lot had been burned off, but as regards the position of the thigh and the abdomen, it was bent right up over the abdomen. I have heard Dr. Shaw tell of the clothing (Exhibit No. 35) taken from the fork of that leg. I saw that clothing when I made the examination of the body, and there was still a smell of petrol to be easily detected. That clothing must have been so compressed between the bent thigh and the abdomen as to completely exclude access both of air and of fire, in order that it should have remained unburnt. I have heard the evidence as to the position of the right leg. With regard to that, as distinct from the left leg, I would say that that leg remained very much in the position in which it was originally, when he first fell over the seats, or was placed over the seats, because the effect of heat there would render it unable to contract, because it would come into contact with the side of the seat, or the chassis itself.

Would the side of the seat have any effect upon the burned arm you saw?—It might; it would depend exactly upon the position of the arm. I would add that both in the case of the right arm and of the right leg, they had passed into the condition of heat stiffening, and when the body was afterwards removed, both those

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limbs would contract up in the same way as the other limbs. They were found in that condition when we examined the body afterwards. It is for that reason that I say that something prevented them doing it at the time.

You have told us that the effect of great heat is to bend the limb. Could it possibly extend the limb, or would it bend as against extend?—It would always bend rather than extend, because the muscles which produce the bending are larger and more powerful than those which stretch the limb out.

I want to put to you a second matter that my learned friend suggested to Inspector Lawrence. He said: "I am suggesting that, with his leg doubled up, he tried to get across the car in his frenzy." Could he get across with his leg doubled up in the position in which you found it?—No, certainly not in that position in which I found it.

Assume that a man had been trapped in a blazing car, could he have assumed this posture which you discovered here?—If the doors were both closed, he could possibly have assumed a posture similar to this if both legs were drawn right up under the abdomen, so that he was in a kneeling position on the seats, but it would be very difficult, and I am not quite sure whether it would be possible in such a narrow space for him to assume that position.

But having regard to the fact that you found the left leg doubled up in the posture you indicated, with the right leg extended, is there, in your view, any possibility that he did assume any such posture other than the one in which he was found?—No. I think the stretching out of the right leg rules that out.

If any such posture were assumed, would he be able, in that posture, to use his legs with regard to the door?—No, he would not; he would be fixed in position by the weight of the body upon them.

What do you say about the projection of the right leg beyond where the door was, according to the evidence in the case?—I think that clearly shows that the door must have been open, and that no doubt both legs were extended in the same way originally. With regard to the clothing which I found, I think the presence of petrol unconsumed on this clothing can only be explained by the liquid petrol having been distributed through the body of the car at the level of the dead body at some time early in the course of the fire, before the left leg became bent up. The clothing with which we are dealing was in the fork, and the left leg, being bent up in the posture, held the clothing in the fork, and prevented air and fire from getting access to it. That clothing, with that petrol, had the petrol on it before the leg came like that to protect it.

Is there any other view about the petrol?—There is only one other explanation, and that is that the clothing had become soaked in petrol before the fire started. Having regard to these matters, the posture of the body and the clothing, my view is



*(Photo by H. J. Whitlock & Sons, Ltd.)*

**Mr. Douglas L. Finnemore**



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that originally both legs were extended beyond the door of the car. I heard the evidence which was given by Dr. Shaw with regard to the hair upon the mallet. I myself have examined the hair. I have seen all three hairs. With regard to the longer piece, the one rather more than an inch long, that has the microscopic characteristics of a fragment of a human hair, not only from its general structure, but because it shows only a very slight tapering in size as one passes from one end to the other, indicating that it is a fragment of a hair which in its natural length would have been a long one. Of one of the other two, I am rather dubious as to whether it is human at all; but the other, which is a short fragment, may be human. That is as far as I think I can safely go.

By Mr. JUSTICE TALBOT—Is the last one that you mentioned the one with the root?—Yes, the remains of a root.

*Examination continued*—With regard to the first one that was dealt with, it was not possible to say whether it had a root. It was only a fragment taken from the middle. One end had been obviously crushed, and the other end looked rather as though it had been cut across. With regard to the other two, the one had a portion of the root still with it. The other one was a fragment without root.

Cross-examined by Mr. FINNEMORE—With regard to my first general answer, it agrees with Dr. Shaw that the man died from shock due to burns, and that he was clearly alive when the fire started and died very soon after.

On the body itself, I take it, there was no sign of any injury caused during life?—No.

We heard from Dr. Shaw that the vault of the skull had been broken in a number of places?—Yes. That was due to bursting and splintering through the effects of the heat, obviously.

In addition to there being no sign of any injury of the body caused during life, I think also, apart from the carbon monoxide, there was no other poison at all in the body?—No, none that would produce obvious changes. With regard to the position of the body, the heat rigor spoken of is, of course, a very well-known thing in a fire of great heat. The actual rigor always takes place after death. Death must have occurred before the heat reached the muscles to such an extent. To produce that rigor the heat has to be so intense that it has to go through the body to reach the muscles and make them act through the effect of the heat.

By that time, of course, the person must be dead?—Yes, he must be.

Would it be right to suggest from that that the position in which the body and the limbs were found afterwards, when the rigor had taken place, may not be necessarily a very safe guide as to the exact position when the fire started?—No. In the particular circumstances one has to be guided by the extent to which

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the different parts of the body moved; any parts upon which there is any restraint would not become distorted in the same way as the parts which are free to move.

That is to say, whether the man pitches forward, as you say, or whether he is put forward, for the moment, the one leg actually on the seat cannot contract because of the seat?—Yes, and the weight of the body preventing it. The other one, free of the seat, can double right up.

The arm, as he falls forward, if it catches on the back of the driver's seat or on anything which keeps it up—that also would stop it contracting?—There, it will depend on the position of the arm. If it was in the position which you indicate, like *that*, it would; but if it was in *that* position, the arm could easily bend.

Yes, but it would depend on sheer chance how the arm happened to be?—Yes.

Of course, the width of a Morris Minor is very small. A man pitching forward for the moment with his right leg on the seat, quite possibly anyhow would have his feet pushing against the door?—Yes, certainly pushing against the door. I am not so sure whether he could actually shut the door with his body in that position.

I want to assume for the moment that the door is shut already when he pitches forward. Then his foot would be pushing against it, or might be?—Yes; certainly, I think it must be.

Then we have to allow for two things which follow afterwards; one, as you know the whole of the fabric body is alight, and the whole of the door and wall and everything vanished completely?—Yes.

And also the seat on which the man has fallen, or is lying, also burns?—Yes.

So that if he moves, and the wall or the door completely falls away, it would not be surprising then, would it, that the foot should protrude outside where the door and the wall originally were?—Yes. I do not think that would happen, for the reason that I gave, that he would be dead long before that happened, and the weight of the body would keep that leg up under the body, and then it would undergo heat rigor, and remain contracted in that position.

I am only dealing with the right leg for the moment?—That is the one I am speaking of.

We have been told that at the time when the body was found, the right leg was stretched?—No, when I saw it in the mortuary it was contracted up like the left.

Assuming that at the time it was stretched out, what I suggested would be right then?—It probably would not be straight out, because it would bend up as far as it could; it would bend up slightly, probably.

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Not perhaps literally straight, but we were told it was straight. Then what I have suggested would be right?—

MR. JUSTICE TALBOT—The word used is “extending.” Sir Bernard is basing himself, as to the position of the leg before the remains were removed, on the evidence. What he saw was after rigor had had its effects.

*Cross-examination continued*—Then it is doubled right up because it is no longer on the remains of the seat or anything?—There is nothing to prevent it.

If it was, in fact, extended at the time of the fire, pressing against the door, and it is found extended after the fire, then it would not be unnatural to find it projecting a little beyond when the collapse had taken place?—I do not think the burning of the fabric door would cause it to extend at all, as a post-mortem act.

Not necessarily post-mortem. No one, I suppose, knows how soon the fabric door actually collapsed?—I think he would have lost consciousness, if he had not died before, before the fabric door had been burned away. I do not think any voluntary movement could have thrust the foot through the opening.

Supposing he has gone forward while conscious, with his leg pushing against the door, while he is still conscious, when he became unconscious it would remain like *that*, would it not?—Yes.

I appreciate that he probably would not alter its position himself when unconscious; but, if he is in that position when he becomes unconscious, when the door collapses, might it not be reasonable to find the foot a little outside?—No. If he became unconscious the muscles would relax; but that leg would be pinned under the body by the weight of the body against it.

We are working all the time on the assumption that the leg itself is extended, he has his body *there* and his leg behind him?—There is no room for the body to move if the door is closed.

Not if he was right in the car?—Yes. You will find from the measurements that there would not be more than a few inches. If his head was against one door and the buttocks against the other, it would only be a few inches.

MR. NORMAN BIRKETT—I will prove by a subsequent witness that it is 3 feet 4 inches from door to door inside the car.

*Cross-examination continued*—The whole of the seat on which the man was all collapsed. That might alter the position of the body entirely?—Not very much probably, because the metal framework and the springs would keep it supported fairly well after death.

By MR. JUSTICE TALBOT—Why do you say that the projection of the right leg indicates that the door was open?—I think the body must have been in that position originally with both legs extended, in order that the trunk should have been lying face

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downwards right across the seats, and that certainly if, as I have pictured, the legs were drawn up under the body, the space would be so cramped in the car that the legs could not afterwards be thrust out, even if the door of the car burned away.

You think the legs could not have gone further over the door, the door being shut?—If the door had been shut, I do not think that the one leg, which was afterwards found projecting, could have projected after the man died.

*Cross-examination continued*—Look at the photograph (Exhibit No. 2). We do not know for certain that that is quite how it was originally, because things may have been altered. There has been a complete collapse of the seats, you will see. There is no shape of the seat or anything like that at all?—No; it is difficult here to tell, because apparently other objects have been laid over that area, so that I cannot judge exactly what the position of the seats was. We have the sides of the chassis on each side here.

That is why I am suggesting that, with the collapse of those seats, the whole position of the body may be altered, and make it unsafe to draw certain deductions from it?—It may be altered to the extent of sinking to some extent, but it is unlikely to have altered very appreciably in that cramped space.

As far as you can judge from that photograph, the seats seem to have collapsed altogether?—Yes. It is very difficult to judge from this.

Of course you have probably noticed also that the whole of the backs of the seats have completely collapsed and fallen right away?—Yes; apparently they have.

If the body were resting against those backs, or anything, that would alter its position?—Yes, if it were actually resting against the back, it would; but apparently when the body was first seen, the arm was still up over the burned-out back.

Not that the back was there, it had already collapsed, but over where the back of the seat had been?—Yes, so that the body could not have moved very much with the arm in that position.

It could fall to the right?—Yes; it might tip over a little.

That, of course, would alter the position of the legs?—Yes, to a certain extent it would.

I take it, with regard to the hairs, that you agree generally with what Dr. Shaw said. You think the long one is a human hair, one of the others may be, and, I take it, as regards the third one, your view would be that it is not?—Yes; I think that is right.

I do not know whether you would quarrel with the view which I understand Dr. Wyatt takes, that the other one also, in his opinion, is not so simple; it may or may not be?—I should not like to press it, certainly.

That is the one with the root?—Yes. I heard that there was inside the car a can of petrol which at some time burst. I have also heard the evidence about a loose joint.

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I think, if I am right, that Colonel Buckle said that at some time in the fire—he suggested early—there would be another place which would burn through, and would tend to spray petrol?—Yes.

Re-examined by Mr. NORMAN BIRKETT—Taking it that the width of the Morris Minor saloon from door to door is 3 feet 4 inches, if the head was on the body of the dead man what would be the measurement approximately from the head to the buttock?—According to Dr. Shaw's measurement, which gives it from the nape of the neck to the buttocks, if we added the length of the neck it would be a little over 3 feet, certainly 3 feet from the top of the head to the bottom of the buttocks.

In those circumstances it would be utterly impossible to have a body with the legs extended with the door closed?—Yes.

You have heard the evidence that when the body was found the right leg was extended where the door was?—Yes.

That is the point I want to get quite clear. You have given your view to us that he was either thrown into or pitched into that position with the leg extended, protected by the seat?—Yes, both legs extended, but the right leg was not able to get the consequences of heat rigor because of the seats. The left leg was free to contract.

Assume that a man was trapped in the car and was in the doubled-up posture permitted by a space of 3 feet 4 inches face downwards, buttocks up in order to get within that space, that that man dies fairly quickly, and that he remains there dead in this fierce heat until the door falls away. Would that account for the right foot being extended and the left not?—No, it would not, because, as he was dead, he could make no violent movement, and the effect of the intense heat would be to stiffen the contracted limbs in the position in which they already were, and not in any way to extend them, even if the weight of the body itself did not prevent them from doing so. The fact that the right leg was extended beyond the closed door when the body was discovered, points to the conclusion, in my view, that that door must have been open from the time when the body first assumed that position in the car. I can see no other explanation that would account for it.

JOHN BICKETT GRAHAM, examined by Mr. ELWES—I live at "Beaulieu," Uttoxeter Road, Mickleover, Derby, and I am secretary to a limited company which carries on business as brace and garter manufacturers at Leicester. The accused has been in the employment of our company as a traveller since June of 1929. His district was London and the south, and certain accounts going as far north as Leicester. It did not take him to Wales. His salary was £4 a week, £1 fixed expenses, plus actual expenses, plus commission. That means that he got £1 a week when he

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John B. Graham

was travelling, and he got more if he spent more. He called occasionally at our factory at Leicester. The last time he called, I think, was on 24th October. The date before that I could not say, as I joined this company on 22nd September, and it was before my time; there is no record that I know of that will tell me. The cheque for his salary and expenses usually went off every Friday evening. His commission was paid by cheque on the first Friday after the 20th of each month. When he called at the factory on 24th October he was paid his salary and expenses for that week, amounting to £8 9s. 2d. Exhibit No. 15 now shown to me is a communication from the accused sent through the post, on a telegraph form, and reading thus, "Herne Bay, 29th October, 1930. Mr. Graham. Not yet received cheque, so having to leave journey half done as have no more money. Will wait in London for it. A. A. Rouse." Exhibit No. 16 is a cheque for £7 which I sent to him on the same day in response to that communication. Exhibit No. 18 is another cheque which I sent to the accused on the 31st October to cover his salary and expenses for that week, the amount being £6 17s. 10d. Any further money to be due to him after that would be on the following Friday a week later, 7th November, and anything due to him for commission would be on 21st November.

Cross-examined by Mr. FINNEMORE—The accused in his area for travelling had some customers as far north as Leicester, but he did not come there very often. He has only been once, on 24th October, since I went there in September. He is paid £5 in any event, regularly, and, in addition, hotel expenses and the petrol expenses of his car. He gets full expenses in addition to the pound, and in addition to that he gets commission, calculated as we execute the orders which he sends. Sometimes, if he sent an order in October we might execute it in November, and the money would be due. At times we would know that, in fact, a sum would be due to him for commission next week or the week after, although we could not tell exactly what it was, and sometimes we have paid him before the account was actually made up.

I take it that that is quite a common thing with commercial travellers?—It is the only case I have come across so far. He has not travelled for us since the 6th November. For the work that he had done up to then for September, October, and November, the commission comes to £25 6s. 5d., from the 19th September. In fact, we paid him this month the balance, making up the £25 6s. 5d. He received £10 on account on 19th September. On 29th October he received a further £7, leaving a balance of £8 6s. 5d., and that was covered by a cheque which I sent to Mr. Lee Roberts. That covers six weeks' work, from 19th September to 5th November.

The point I am getting at is this. In addition to that he received £5 a week for those six weeks, which makes a sum of

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£60 16s. 2d., an average of £10 2s. a week?—For September to October he received £12 10s. 11d., for commission, plus the £25, that is five weeks in October, namely, £37 10s. 11d. Taken over the five weeks, that is £7 10s. 2d. for each week. For October to November it was £12 10s. 6d., plus £20 roughly if it had carried on to the end of November. We received his sales sheets on the 6th November, and they are dated the 4th. One is from Cliftonville and one from Broadstairs. That is part of his district. To my knowledge he had not written about this time saying that he wanted any more commission on account.

Re-examined by Mr. NORMAN BIRKETT—There is no record kept of the visits which he made to the factory, but the last visit was on 24th October, when I only saw him for about ten minutes. I cannot say exactly what he came for on that day. Prior to August he was on a regular payment of £10 a week.

NELLIE TUCKER, called.

Mr. FINNEMORE—My lord, I have a submission to make with regard to this evidence, on the assumption that this witness is called to say what appears in the depositions.

Mr. JUSTICE TALBOT—I must see what she says first. I think the witness had better withdraw from the Court for a moment.

The witness withdrew.

Mr. NORMAN BIRKETT—I think it would be desirable, if your lordship would so direct, that the discussion should take place while the jury are in their room.

Mr. JUSTICE TALBOT—Very well. The jury will withdraw.

The jury retired to their room.

Mr. JUSTICE TALBOT—I do not know that I appreciate the point of this evidence; but, so far as the evidence-in-chief goes, it could be given without any objection, if it began close to the end of it, could it not?

Mr. NORMAN BIRKETT—If I may be allowed to intervene, it may assist the Court. I want to say quite frankly, with regard to this evidence, that it was my purpose to call the evidence and to confine it to the opening two sentences, and to the concluding three lines, and to omit the central matter of the depositions, to which I rather apprehend my learned friend's objection is addressed.

Mr. JUSTICE TALBOT—Omitting the place, I suppose. I think you should ask her as little as you can. The jury cannot help forming some conclusion.

Mr. NORMAN BIRKETT—Without a word being said by my learned friend as to the nature of the objection, I want to say this. There are two other witnesses, one upon the depositions and one in the further notice of evidence—one by name Helen Campbell, and the

## Alfred Arthur Rouse.

other by name Ivy Jenkins, Helen Campbell appearing in the depositions, and Ivy Jenkins in the further notice of evidence. I do not propose to tender the evidence of those two witnesses, they being of the same character.

Mr. JUSTICE TALBOT—The only relevancy of this evidence is, first of all, possibly as to his pecuniary position.

Mr. NORMAN BIRKETT—Yes.

Mr. JUSTICE TALBOT—Secondly, as to the date.

Mr. NORMAN BIRKETT—It was thought at one time—I do not debate it and I express no view—that it might be relevant upon the question of motive.

Mr. FINNEMORE—I think it is right to say that was the only ground on which it was attempted to be substantiated in the earlier proceedings. That was the express point put forward.

Mr. NORMAN BIRKETT—Let me say that naturally in a case of this nature, as I suppose in all cases, but particularly in cases of this nature, matters of this kind are the subject of most anxious and careful consideration by the prosecution. In consultation with my learned friend, Mr. Elwes, having given the matter anxious and prolonged consideration, I have taken upon myself the responsibility of saying that I shall not tender the evidence. That being so, this witness that I propose to call upon those two sentences—

Mr. JUSTICE TALBOT—You are now speaking of the other two?

Mr. NORMAN BIRKETT—Yes—and to that, I submit, there can be, of course, no objection.

Mr. FINNEMORE—I accept, naturally, the position which my learned friend takes. The only thing that one feels that one ought to say before the case ends is this: this evidence was tendered at the Police Court and objected to, I think, upon perfectly proper and sound lines.

Mr. JUSTICE TALBOT—What ground of legal objection is there?

Mr. FINNEMORE—The ground of legal objection would be that it has no connection whatever with the alleged affair at Hardingstone Lane.

Mr. JUSTICE TALBOT—If that is true, that is an absolutely sufficient ground; but I think it is very difficult to say that it is not admissible in connection with the case. The Crown are bound—and Mr. Birkett has shown that he is quite sensible of that—so far as they can consistently with their case, to exclude anything which may reflect upon the character of the prisoner.

Mr. FINNEMORE—The point that was taken with regard to the motive was that it was to support a motive of which there was no evidence whatever in the case from start to finish, apart from the suggestion made. The only point I make at the moment is this. One cannot shut one's eyes to the fact that it was admitted in the Court below, and was given the very widest publicity.

Mr. JUSTICE TALBOT—I cannot help that. I do not see that you can object to the evidence without discussing whether you can



# Evidence for Prosecution.

Nellie Tucker

object at all; but if the evidence is restricted, as Mr. Birkett proposes to restrict it, you cannot.

Mr. FINNEMORE—No, I cannot. Before the jury come back, may I say this: I do not know whether the jury are allowed to see newspapers at this stage. If they are, one would ask that possibly this would not be reported in to-morrow's reports.

Mr. JUSTICE TALBOT—I hope the press will take notice of that. That would be very proper, that the discussion as to this evidence should not be reported until the case is over.

The jury then returned into Court.

NELLIE TUCKER, examined by Mr. NORMAN BIRKETT—I live at 49 Hendon Way, Hendon. I have known the accused, Mr. Rouse, for nearly five years. I saw him last on 5th November. It was about 7.10 when I saw him, and about 8 o'clock when he left. It was in City Road, London, where I saw him.

Cross-examined by Mr. FINNEMORE—He was proposing to see me again the next week, on the Monday, the 10th.

DAVID LILLEY, examined by Mr. ELWES—I am a constable of the Hertfordshire Constabulary, stationed at Markyate. On 5th November I was on cycle patrol from 7 o'clock to 11.30 at night. I was on Watling Street at 11.15. Just passing the White Flag Tea Rooms, which are a mile south of Markyate, a small saloon car passed me. It stopped on its near side of the road about 150 yards ahead of me. I dismounted from my bicycle when within about 10 yards of the car, and I went to the off-side of it. I had noticed that as the car stopped the rear lamp went out. I shone my lamp inside the car, and saw two men sitting on the front seat, the accused being on the driver's seat. I said to him, "Do you know your rear light is out?" He replied, "I am sorry, officer. I must have put them out by mistake." The lights were immediately switched on. I got on my bicycle again and had gone about 20 yards when I heard the engine of the car start up. The car then passed me, and continued on its journey northward. The accused was dressed in a light coat and a trilby hat. The man that was sitting on his left-hand side appeared to me to be about thirty-five to forty years of age. He was a man of small stature, had an oval, pale face, and was dressed in a dark coat and trilby hat. I am not certain as to whether he had a moustache or not, but I think he was clean shaven.

Cross-examined by Mr. FINNEMORE—When I got to the car all the lights were out, the front as well as the rear; but I had not noticed that as I spoke to the man. It was drawn up on the left-hand side of the road. Markyate is about 7 miles north of St. Albans, and this was about a mile from Markyate. The road there is called Watling Street.

# Alfred Arthur Rouse.

David Lilley

That is the road one comes along if one is coming from London up to Northampton, or Leicester, or these towns up here?—No, it is the main road from London to Birmingham. You turn to your right about 8 miles north of Markyate to get on this road, at Hockliffe. You then get on to the Northampton Road itself and then go pretty straight through. You get on to the Northampton Road about 8 miles from where I saw him. When I saw the lights were out, it was my duty to investigate and, if not satisfied that it was accidental, to make a report to see whether proceedings should be taken or not. I spoke to the accused, but not to his companion. After speaking to him I walked to the back of the car to see if the rear light was alight. I looked at the number, but I did not memorise it, nor did I write it down. I was perfectly satisfied with his explanation that the lights had gone out accidentally. When I spoke to him first and said the lights were out, he seemed to be surprised, and half-raised himself in his seat and looked over the front of his car. As I was remounting my bicycle I heard the two men conversing, but I do not know what was said. I was first asked about this incident on the Sunday following, the 9th November, at 7.15 a.m. I was told that Rouse had said at Hammersmith Police Station that he had been spoken to by an officer near St. Albans, or something to that effect. I did not have to speak to the occupants of any other car that night at all about their lights or anything.

The accused was not wearing a hat, although he had one there? —They were both wearing hats.

He did, in fact, have a wound in the war to his head, and I understand that he says that since then he has never driven in his car with a hat on. Do you think it is a matter about which you may be mistaken?—No, I am quite certain they were both wearing hats.

HENRY HERBERT TURNER, examined by Mr. NORMAN BIRKETT— I live at 35 Viaduct Buildings, Charterhouse Street, London. I am a motor driver. In the early morning of 6th November last year I was driving from Mansfield to London on the main Northampton road. I remember going through Northampton. I know the Newport Pagnell road where it branches off. I was stopped there by a man at the fork roads, Newport Pagnell to London and Stoney Stratford to London. The man who stopped me was the accused. It was, roughly, about 2 o'clock in the morning. He was wearing a light mackintosh or coat, and no hat. I am sure of that. He was carrying an attaché case similar to Exhibit No. 20. He asked me if I was making for London. I told him yes, and I asked him what was the matter. He told me he had come to Northampton and was waiting for a returning mate with a Bentley car, and he had either missed him, or he had missed the chap, and he asked me if I could take him to London.

## Evidence for Prosecution.

Henry H. Turner

I told him to get up, and my chum, whose name is Pitt, opened the door. He got up and sat up on the left-hand side of the car. I was in the driving seat, and Pitt was in the centre. My lorry is a six-tonner. We went straight to Tally Ho Corner. The accused told me that would do for him nicely, and he got out and went down one of the side roads there, Friern Barnet Road, I believe. I saw him go. He seemed rather hurried at that particular stage. It took me roughly about four hours to go from the Newport Pagnell fork to Tally Ho Corner, so that it was about 6 o'clock in the morning when we arrived.

Before you had picked him up at the Newport Pagnell fork, had you seen anything?—We saw a fire on my left. On the way to London during that four hours I had a fairly lengthy conversation with the accused. No reference was made by me or by him to the fire that I had seen. What we discussed upon the way to London was mostly about mechanical defects of my own car. I had a trap-door in my foot-boards which we had raised owing to the cold, and I found that my exhaust pipe was red-hot, which denoted a defect of some sort, either bad timing or too much carburation. He spoke about my own car particularly, and also about what he had driven. He had driven Morris'es, and I understood him to say a "Baby," which, I presume, is an Austin. He told me he was a frequent traveller to Cardiff, Cardiff particularly, and Bournemouth, and Wales in general. It was a practically continuous conversation. I have a headlight switch in my car, and he worked that for me between Markyate and London.

Cross-examined by Mr. FINNEMORE—When we went on from the corner, we were going along the Newport Pagnell road to London. I could see the blaze on my left. I do not think it was as far as 300 or 400 yards away. It was near Hardingstone village. The Newport Pagnell road is rather higher than the place where the burning was, and I could see it straight across the fields. It is quite an open spot. The road from Northampton coming near where the Newport Pagnell road and the Stoney Stratford roads diverge, and the Newport Pagnell road along which I went, are both higher than the Hardingstone, so that one looks right down on it, with nothing to obstruct the view at all. I made no comment about the fire, and neither did he. I only give a man a lift if he has a reasonable excuse. It is not my business at all to let anybody have a ride on my lorry. I would help somebody in trouble or difficulty. When he stopped me and asked for a lift, I asked him what was the matter.

And he told you that he had lost his car, or missed it? Was that it?—No. He never made any reference to losing or anything.

Mr. Mr. JUSTICE TALBOT—He was waiting for a man with a Bentley car, and they had missed each other?—Yes.

*Cross-examination continued*—During the first part of the

# Alfred Arthur Rouse.

Henry H. Turner

journey, the first two hours, the two of us were talking together, and the second half he was sitting quietly in the corner.

Looking, I take it, much as he does now?—Yes.

You did not notice anything different?—No. He had a case similar to Exhibit No. 20. I did not notice any initials on it. He was talking with me quite openly.

EDWIN PITT, examined by Mr. ELWES—I am a barman, and live at "The Rising Sun," Euston Road, London. I remember the 6th of November of last year when I was travelling with Turner on his lorry. I remember at 2 o'clock in the morning, when we had just come through Northampton, being stopped by a man. I identify the accused as the man. He asked for a lift, but I do not remember what he said. The reason he gave was that a man was supposed to meet him with a Bentley car. During half the journey to London there was a conversation on cars. When we reached London he got down. He had no hat on. He did not say anything about what his business was. The conversation turned on one or two cars that he drove in Wales, and he particularly mentioned Cardiff. He seemed quite normal.

Cross-examined by Mr. FINNEMORE—I did not take part in the conversation. The driver was talking about something the matter with the car, and then they were talking about defects on cars and that sort of thing. I was not interested in that. I have nothing to do with cars in the ordinary way. I was asleep during the last two hours of the journey. I did not take much notice of the conversation of either the accused or the driver of the lorry.

Re-examined by Mr. NORMAN BIRKETT—Was there anything particular to make you take notice of him, or was he ordinary and normal?—Just ordinary. He had a stammer. Apart from that everything was quite normal.

GEORGE SMITH, examined by Mr. ELWES—I live at Peters Chambers, Shorts Gardens, Drury Lane, and I am a porter employed by the Thomas Transport Company at 12 Villiers Street, Strand. My duty is to assist passengers who want to get a motor coach on the Thames Embankment. I remember 8.30 one morning early in November last, between the 6th and 7th, when I was on the Embankment coach rank, and I saw somebody standing on the kerb. I see that man now sitting in the dock in the middle. He was not wearing a hat. He did not speak to me. I went up and asked him what coach he was waiting for. He said: "Well, I do not know." He seemed to be in a bit of a stew to my estimation, and he distinctly turned round and said to me: "I am in a bit of a mess, and I lost my car," or rather "had it pinched," or something to that effect. After a little pause or so

## Evidence for Prosecution.

George Smith

he said: "Can I get to Newport?" I said "Newport, where?" He said "Wales." I said "Yes," and I took him to the booking agent of the company I work for at 12 Villiers Street. He was handed over to the booking clerk, and I stepped on one side.

Mr. FINNEMORE—No questions.

ERIC MASSAY FARMER, examined by Mr. NORMAN BIRKETT—I live at 20 Castleton Avenue, Wembley. I am manager to the Thomas Transport Company, of 12 Villiers Street, Strand, London. I remember 6th November of last year. I began my duties that morning at 8 o'clock. I remember the last witness, George Smith, coming that morning about 8.30. He brought a man in who wished to go down to South Wales. That man was the accused. He had no hat, but had a fawn overcoat. The booking clerk, Sweatman, was present. The accused said he wished to go to a little village in South Wales. He mentioned its name, but I cannot quite remember what it was. He said it was near Newport. The booking clerk thereupon tried to get through to a company, called the Great Western Express, to book a vacancy in a coach to send him to Newport. While the booking clerk was endeavouring to do that, the accused spoke with me and told me he had a car of his own, but he had had it stolen during the night somewhere on the Great North Road. He said he was outside a coffee stall and went inside to have some refreshment, and when he came back the car had disappeared. He said there were a lot of lorries outside the coffee stall, but none of the drivers knew anything about it. The make of his car, he said, was a Wolseley Hornet. He also said he had left his Stetson hat inside. He appeared more worried about the loss of the hat than the loss of the car. I am quite clear about that. When inquiring about getting to the village in Wales, first of all he asked for a return ticket, and then said that he would take a single ticket. We had great difficulty in getting through to the Great Western Express Company. I think there was no one at their office. I instructed Sweatman to try another firm, the London & South Wales Coaches, and we eventually booked him on that company's ticket. He spoke to me whilst Sweatman was on the telephone, and asked whether it was possible to get from South Wales to Leicester direct without touching London. I showed him by means of a map on the wall that he could go by the black and white coaches from South Wales to Leicester through Cheltenham without touching London at all, and he made a jocular remark about Black and White whisky. He asked me how long it would take to go by coach to Newport. I said: "Approximately 8 hours." He said: "Oh, I could get down in my Wolseley Hornet in 3 to 3½ hours." He was then booked on the London and South Wales express coach which left Bush House, London, at 9.45. He seemed to be in very good spirits.

# Alfred Arthur Rouse.

Eric M. Farmer

Cross-examined by Mr. FINNEMORE—He was very talkative, but he did not seem excited.

Mr. Smith, who has just given evidence, said he seemed to be in a stew?—He did not give me that impression. He seemed to be extraordinarily talkative. He told me of his private affairs, about the car. During the conversation he discussed having a return ticket, and then a single ticket, and asked if he could go on from South Wales direct to Leicester. It took us about a quarter of an hour to get the booking through. During that time he was talking to me and asked me that.

GEORGE BELL, examined by Mr. ELWES—I am a driver on the London & South Wales Safety Coaches, and I live at 65 King's Road, Cardiff. On 6th November of last year I was driving a coach leaving London at 9.15 in the morning. Before we started a man got on to my coach. I identify the accused as that man. He sat immediately behind me on the left-hand side of the coach. We talked together on the way. He said that he meant to go down by car, but that the night before he had lost his car outside St. Albans. He said that he went into a carmen's pull-up for a cup of coffee, and during the period that he was inside his car was stolen. He said there were a lot of vehicles parked outside. Further on in the journey he told me that he was going down to Wales to see his wife. As to where his wife was, that was a point that he was rather uncertain about. He asked me to mention several places around Newport and Cardiff which might lead him to the name of the place. I mentioned the places of Ystrad Mynach and Caerphilly, and he seemed to remember the name of Ystrad Mynach.

Did he say anything about his married life?—

Mr. FINNEMORE—I object to this.

Mr. JUSTICE TALBOT—Is it in the depositions?

Mr. ELWES—No. This is a new witness.

Mr. JUSTICE TALBOT—I see no objection to this.

*Examination continued*—Did he say anything about his private affairs?—He said that he was going down to see his wife, as his mother-in-law would not allow them to live apart for the time being. That was the only question that put up.

Would not allow them to live apart?—Allow the daughter to go away from home for the time being, I mean. He said he was newly married. The general talk during the journey was about cars, about construction and one thing and another. A point came up that I used to do most of the panel beating of our firm at one time. I had rather a fluke experience at one time with a dent in a wing. I took a chance blow at it with a mallet. The mallet struck the tyre, glanced up on to the wing, and knocked the dent out perfectly. It is a thing which would not happen in a thousand years again, I suppose. His reply was that he

## Evidence for Prosecution.

George Bell

usually used a mallet himself. He had one in his possession. He did not say how he carried the mallet. As far as I remember he had a light suit on, a mixture; also one of those latest type of sort of rubber mackintoshes and a trilby hat. He was not wearing his hat during the journey. The only time I saw him with the hat on was at Bush House and at Newport when he got out of the coach.

Cross-examined by Mr. FINNEMORE—He had the hat on before he got into the coach, and took it off after he got in. He rode all the way with it off, and put it on again when he got to Newport. He was sitting behind me and spoke to me from time to time. As to the occasion when I told him I took a chance blow with a mallet, I should have said that the dent was in the rear wing. In the ordinary course of events you would have to jack up and take off the rear wheel and use swags, and that sort of thing to take out a dent in the wing, and roll it out. It was a case where I happened to take a chance shot and hit the dent—it must have been exactly in the centre—which would force it out. It was a small dent, caused by backing a car into another. I hit it with a bare mallet. I told him that I was lucky to hit it exactly right. I do not carry a mallet in my coach. It is in the garage. He said that he sometimes used a wooden mallet for his wings. He told me of a particular accident that he had had not long before that, when he had collided with an Austin car and the other one had got injured, and all he got was a dent in one of his front wings, and he knocked it out with a wooden mallet. He asked me if I ever got sleepy when I was driving. He told me that the accident he referred to was when he got a bit sleepy. That is how it cropped up. With regard to how long the journey would take from Bush House to Newport, we are due in Newport at 6 o'clock, leaving from Bush House at 8 45.

WILLIAM JENKINS, examined by Mr. NORMAN BIRKETT—I live at Primrose Villa, Gellygaer, Glamorganshire, and I am a colliery proprietor. I am on a working of my own. I have a daughter named Ivy Muriel. She went to London in November, 1928, to be a probationer nurse. I know the accused. I first saw him about July, 1930, in my house. He came with my daughter Ivy from London. At the end of October my daughter Ivy was taken ill. The accused came to my house from Thursday to Monday morning once a fortnight. He came in a car, but I do not know the make. I saw him on 6th November. He came to the door without the car that night. I had sent him a wire and told him that my daughter was very ill. On that day, the 6th November, he came between 8 and 8.30 in the evening. He knocked at the door twice, and I was in the front room downstairs, and he walked in himself then. He said he had his car stolen in Northampton, that he was in a restaurant in Northampton, and the car was stolen when

# Alfred Arthur Rouse.

William Jenkins

he came out. He asked how Ivy was, and I asked him if he would go upstairs to see her. She was in bed. He went upstairs, and stayed up there a quarter of an hour, I should say, and then he came down for supper. I prepared it, because my missus was upstairs with Ivy. When he and I were having supper downstairs, a friend of mine, Tom Reakes, came in with a paper which he showed to the accused. It had a photograph of a burnt car on it. When the accused saw that photograph, he said the car did not belong to him at all. He did not say anything more about his own car that night. He said his car was insured, or something like that. He stayed the night at my house. The next morning another man came to my house, a gentleman from Cardiff, Mr. Brownhill. That was between 9 and 10 o'clock. It was on business with me, and I spoke to him upon the business in the garage adjoining my back door. When I was talking to Mr. Brownhill, the accused was walking backwards and forwards. I had made arrangements to give him a ride down to Cardiff with Mr. Brownhill. I asked Mr. Brownhill to give him a lift to Cardiff. I have another daughter named Phyllis. That morning, when Mr. Brownhill and the accused were there, Phyllis came out, bringing a paper out with her (Exhibit No. 21), a copy of the *Daily Sketch*, 7th November, 1930. On the front page there is a photograph of a burnt car, headed "Body found in a Blazing Car." The registered number is MU 1468, and underneath it says: "A burned car registered as belonging to Mr. A. A. Rouse, of Buxted Road, North Finchley, in which a charred body was discovered at Hardingstone, near Northampton, yesterday. The sex and identity of the victim have not yet been established. The police are anxious to interview a man seen near the car at the time of the accident." In the same journal there is a report headed "Riddle of Body found in Blazing Car. Unknown victim said to be a man. Roadside discovery at 2 a.m. by two youths on way home from dance. Police inquiry for hatless passer-by." My daughter Phyllis showed the accused the paper. I do not know what he said, because I was with Mr. Brownhill. A little later he went away in Mr. Brownhill's car.

Cross-examined by Mr. FINNEMORE—Between June or July of 1930 and this visit on 6th November, the accused had visited my house on other occasions. I was expecting him to come on 6th November, as I had wired him to come down to see my daughter. When he got there Mr. Reakes was there as well. Then Mr. Reakes left, and came back later with a photograph referring to the car. I think the paper was the *South Wales Echo*. The next morning the accused said to me that he wanted to go back to London to report about his car to the police, and he discussed with me the best way to get back to London. The best way would be, if he could get a lift, to go into Cardiff, and then from Cardiff to London. I asked Mr. Brownhill to give him a lift.



## Evidence for Prosecution.

William Jenkins

Re-examined by Mr. NORMAN BIRKETT—We have a police station in Gellygaer, and there is a police station in Cardiff.

PHYLLIS MAUD JENKINS, examined by Mr. NORMAN BIRKETT—I live at Primrose Villa, Gellygaer, and I am a daughter of the last witness. On the evening of 6th November I saw the accused at our house. He stayed the night and left the next morning. On the night of the 6th he did not say anything to me about his motor car. On the next day, the 7th, the *Daily Sketch* of the 7th November was delivered by the newspaper boy at our house. Exhibit No. 21 is the paper that I saw that morning. It has a picture on the front of a burned car with a heading "Body found in Blazing Car," and inside it "Riddle of Body found in Blazing Car." When I got the paper and discovered that news in it, the accused was upstairs with my sister Ivy. I called him down, and told him there was a photograph of his car in the paper. He asked me how I knew, and I said his name, "A. A. Rouse," was underneath. He then took the paper and looked at it. He went back upstairs with the paper. The next I saw of the paper was when my mother brought it down a few moments afterwards. The accused asked if he could keep the paper. I said "Yes," and he took it away.

Mr. FINNEMORE—No questions.

THOMAS WILLIAM REAKES, examined by Mr. ELWES—I am a collier, and live at Gellygaer, Glamorganshire. I was in Mr. Jenkins' house on 6th November at 8 o'clock in the evening. I did not know the accused until that night, when he came into the house and addressed Mr Jenkins, "Oh, dad, I have been a long time coming, about eighteen hours on the road. I would have been here sooner, but I lost my car around Northampton. I went in to have a cup of tea, and when I came out my car was gone. My hat and bag were in the car. I have got her insured, but I don't want that; I want my car. Shall I go upstairs to see Ivy?" He went upstairs to see Mr. Jenkins' daughter Ivy. When I went home, seeing a copy of a paper with the account of the car, and knowing there was no evening paper in the Jenkins' house, I returned with the paper. The accused was then having food with the family. I handed him the paper and said: "Is this your car? If it is you will see it no more." He looked at the paper and said: "That is not my car."

Cross-examined by Mr. FINNEMORE—I had not seen the accused before that night. I learned his name for the first time about a week previous. When he came in nobody introduced him to me. I introduced myself. I could not say whether the paper I got when I went home was the *Echo* or the *Evening Express*. The description of the accident was there, and I am almost positive there was a photograph on the left-hand corner, in which could

# Alfred Arthur Rouse.

Thomas W. Reakes

be seen the car and the number of the car, and that sort of thing. I am almost sure it was there; I know it was in the morning paper next morning. There was no name in the paper on 6th November, but I think there was a photograph showing the number. When I saw the accused first, his dress was similar to what it is now.

HENDELL JAMES BROWNHILL, examined by Mr. NORMAN BIRKETT—  
—I live at 98 Neville Street, Cardiff, and I am a motor salesman. On 7th November, at about 10 o'clock in the morning, I went to the house of Mr. Jenkins, Primrose Villa, Gellygaer, Glamorgan-shire. I saw Mr. Jenkins and interviewed him about a business matter in the garage just adjoining the premises. While I was talking to Mr. Jenkins I saw the accused. I had never seen him before that morning. He came out of the house in his shirt sleeves, and asked me for a lift back to Cardiff. I agreed, and he went back into the house. Then I had my business talk with Mr. and Mrs. Jenkins. I then went to my car, which was standing at the front of the house. I there saw the accused again. He was on the doorstep of the house speaking to a young lady, a Miss Jenkins. I had not met her before. I took him on board in my car and drove off to Cardiff. He was wearing a light mackintosh and a fawn hat. He was carrying an attaché case, similar to Exhibit No. 20. I had to drive about 15 miles that morning. On the way there were just the two of us, just me and the accused. We had a conversation about his car being burnt and him losing it. I asked him how it happened, and he said he left it outside a restaurant and it had been pinched, and found burnt. I asked him if he had reported it to the police, and he said he had, and to the insurance company. He told me it was a Morris Minor saloon car. When he told me that he had reported it to the police and to the insurance company, I told him he had nothing to worry about. I really cannot remember if I asked him a number of questions about the car. He just said he had left it outside a restaurant and someone had stolen it. He did not say where the restaurant was. On the way to Cardiff I called at the "Cooper's Arms" Hotel, which is kept by a man, Mr. David William Morris, about four miles from Gellygaer. The accused came into the hotel with me, and in his presence I spoke to Mr. and Mrs. Morris and told them he had lost his car, and it had been found burnt. I cannot remember whether he said anything about that at that time. I remember a butcher's boy, Idwal Morris, coming into the room during the conversation between me and Mr. and Mrs. Morris about the accused's car being burnt. The butcher's boy said there was a charred remains found in that car, the remains of a lady. When Idwal Morris said that the accused walked out of the room. He was out just a few minutes, and then he came back, and we got into the car and went on towards Cardiff. He said that he wanted to get back to London by bus. I drove him to North Morgan

## Evidence for Prosecution.

Hendell J. Brownhill

Street, Cardiff, to the nearest bus company to our garage. I know the Glamorgan County Police Headquarters in Cardiff, which are 54 yards, I should say, from the garage in North Morgan Street. We actually passed the place on our way. "County Police" is written outside it. When we got to North Morgan Street, where the Great Western Services buses started, the accused remarked that he came down by these buses, and he thought they were too jerky or jumpy, or something. I told him that I could direct him to another bus service which would pass our garage, and I drove him into Waldron Street, into Neville Street, and dropped him at the Lower Cathedral Road, and directed him to Messrs. Hinton & Briddon. At the time when he said that he did not like the Great Western service, we were in North Morgan Street. It was after we had passed the police station, and gone up North Morgan Street, that he said it. After I had so directed him in that way I communicated with the police later in the day.

Cross-examined by Mr. FINNEMORE—I did not go back to Gellygaer that day. I had never seen the accused before that day. Before I saw him on the morning of the 7th, Mr. and Mrs. Jenkins had said there was a gentleman who wanted to go to Cardiff in order to go to London, and asked if I would be so kind as to give him a lift. They told me that his name was Rouse. I think that when I came to the house and dealt with him he was obviously known quite openly as Mr. Rouse. On the journey I asked him about his car which had got burned. I asked him what make it was.

When you asked him if he had reported it to the police, may he have said that he was going to?—No.

Do you think he would have understood your question to be—"Are you going to report it to the police"?—He might have done.

We have heard from Mr. Jenkins that he had already told Mr. Jenkins that morning that he was going to London in order to report it to the police, and then Mr. Jenkins got you to give him a lift to Cardiff. Anyhow, you say quite fairly that he might have thought you meant that?—Possibly.

By Mr. JUSTICE TALBOT—I asked him if he had reported it to the police, and he said he had.

If he said, "I have," that would settle it, but if he actually said "Yes" in answer to your question, he may have misunderstood it?—He did not say "Yes."

*Cross-examination continued*—Do you think that when you asked him if he had reported it to the police, he might have understood you to ask him if he was going to report it to the police?—No, I do not think so.

You asked him a number of questions about the car?—I might have asked him many questions which I have forgotten about.

Did he then say: "It is too lengthy and too complicated to

# Alfred Arthur Rouse.

Hendell J. Brownhill

go into " ?—Yes. Soon after that we got to the " Cooper's Arms " Hotel, to which I have referred.

After you spoke to Mr. Morris, and told him that this gentleman had lost his car, and it had got burned, there was a conversation between Mr. and Mrs. Morris and the boy Morris who came in?—That I cannot remember. There was a conversation with me and Mr. and Mrs. Morris when he came in. It was the boy who said something about the charred remains of a lady being found in the car.

When that happened you said that the accused walked out. Did he say: " I cannot bear to hear any more about this " ?—I cannot really remember that. I was in conversation with Mr. Morris.

Whatever he said was to Mr. Morris?—No. I was in conversation with Mr. Morris at that time, and I do not remember him saying that.

Did he speak before he went out?—That I could not say.

You had told him that there was nothing to worry about?—I did. That was because he told me he had reported it to the police, and, therefore, I told him he had nothing to worry about. He did not appear to me to be rather worried.

I am suggesting that he was worried and appeared to be worried about something while in the car, worried about his car?—Yes. He was worried about his car, and I suggested to him to have a drop of whisky or a drop of brandy. That was when we got actually to the " Cooper's Arms " Hotel.

Mr. NORMAN BIRKETT—May we have the deposition of David William Morris read at this stage?

The CLERK OF ASSIZE—Members of the jury, this is the deposition of David William Morris taken before magistrates, because the witness is ill. " I live at the ' Cooper's Arms ' Hotel, Ystrad Mynach, Glamorganshire, and I am the licensee. On 7th November, between 10.30 and 11 a.m., Mr. Brownhill came to my hotel accompanied by the prisoner. I had a business conversation with Mr. Brownhill. I had just before been reading the morning paper, the *Daily Express*. I said to Mr. Brownhill: ' I have been reading about the mystery car at Northampton.' Mr. Brownhill then said: ' It was this gentleman's car,' pointing to the prisoner. I then asked the prisoner how it happened. He said: ' I went to a restaurant in London to have food, and the car was missing when I came out.' I said: ' You have nothing to worry about, being as you have reported it to the police.' He told us that he had reported it to the police. A butcher boy named Morris came into the house during the conversation. I went out, and on returning I heard the prisoner use the word ' complicated ' during the conversation which was still being continued."

Then he is cross-examined, and he says: " The prisoner was a complete stranger to me. Brownhill said he and the prisoner

## Evidence for Prosecution.

**Idwal Morris**

were going to Cardiff. I did not hear the prisoner's name on that occasion. Brownhill was present when the prisoner told me how he lost his car. I have not made any mistake as to that statement by the prisoner. The prisoner appeared worried and upset. I asked him to have some brandy, but he did not. My wife was backwards and forwards in the room during the conversation."

**IDWAL MORRIS**, examined by Mr. **NORMAN BIRKETT**—I live at Brynscawen, Maescymmer, Monmouthshire. I am a butcher. On 7th November I went to the "Cooper's Arms" Hotel, Ystrad Mynach, to deliver some meat. I went there about 10.30 to 11. I went to the kitchen. The landlord, Mr. Morris, was in the kitchen with Mr. Brownhill and another gentleman whom I identify as the accused. I heard Mr. Brownhill say that this gentleman had lost his car, meaning that the accused had lost his car. He said he had had it stolen; the gentleman had left it outside a restaurant. I said I had read in the paper this morning where a car had been burnt, and the charred remains of a lady found in it. The prisoner said: "Oh, dear, dear, I cannot bear to hear anything about it," and then he went out. I did not hear anything more about how the car was stolen. He did not say where the restaurant was.

**Mr. FINNEMORE**—No questions.

**CYRIL HENRY NISBET**, examined by Mr. **ELWES**—I live at 11 Mayfield Avenue, Kenton, Middlesex, and I am a salesman employed by Messrs. Stewart & Arden, of New Bond Street, London, motor dealers. I am employed in the private car department. I remember on 16th May last year selling a Morris Minor saloon to the accused. I took in part-payment an old Morris Minor saloon. That new car was delivered on 2nd June, and the registration is MU 1468. The car had the usual standard tool kit. A mallet is not comprised in that. The floor-boards of a Morris Minor saloon are covered with cork linoleum. The widest distance inside the car from door to door is 3 feet 4 inches, going across the front seats. There is a little gap on each side between the door and the seat. I should say the front seats are roughly 3 feet 2 inches across. That is the widest part from door to door.

**Mr. FINNEMORE**—No questions.

**THOMAS WILLIAM HAYES**, examined by Mr. **ELWES**—I live at 31 Pembridge Square, London, and I am managing director of Chester & Cole, Ltd., motor hire-purchase dealers, 103 New Bond Street. My company purchases cars from motor dealers and sells them to the dealers' clients on hire-purchase terms. On 30th May we received a proposal form, Exhibit No. 23, filled in in the name of Alfred Arthur Rouse, and referring to a Morris Minor saloon car. The monthly payments payable under that agreement

# Alfred Arthur Rouse.

Thomas W. Hayes

are £6 14s. 8d. The instalments were due to be paid on the second day of the month. The first two instalments were received on 4th July and 6th August respectively. The September instalment was very late; we received it on 26th September. Exhibit No. 24 is the hire-purchase agreement entered into between my company and the accused. The last instalment was received on 7th October.

Cross-examined by Mr. FINNEMORE—The accused previously had another car on the hire-purchase system from us. It was a Morris car, not a Minor, I think. We took that in part payment. The payments that he was making on that car were at the rate of £10 6s. 2d. a month.

So that it looks as if this time the car was rather a bigger one, or else he was made an allowance on the first one?—A larger first payment. He was due to pay £6 14s. 8d. on the second one. The 4th July, 6th August, 26th September, and 7th October are the dates on which we received the payments. The way he did it was with a banker's order, and then the bank would pay the money to our bank. The payments would be a day or two before. The next payment would be due the week when the accident happened, 2nd November. A person taking a car on hire-purchase terms from us has to have it insured, and we approve the company with whom the insurance is put. The accused had had an insurance policy on the previous car. Actually when he had this car the company itself was changed. The old policy ran until the 18th July. It actually overlapped, and then he had a new policy in accordance with our terms, which is in fact with a new company. This particular car was insured for its proper value of £140. If the car is destroyed, the money goes to us, subject to any payments. We should take the money from the insurance company and then adjudicate with our customer according to the state of his account. The policy covers third-party risks; it is a fully comprehensive policy. We insist upon it.

DENIS GEORGE KENNEDY, examined by Mr. ELWES—I live at Silver Wood, Wood Lane, Ruislip. I am an underwriter for the Eclipse motor policies at Lloyd's. Exhibit No. 25 is a proposal form for the insurance of a Morris Minor car, MU 1468, and it is signed "A. A. Rouse." It gives all the details of the car, the price, the horse-power, and so on, and then the purchaser's name, and his address is 14 Buxted Road, North 12, and also Chester & Cole, Ltd., the people who own the car under the hire-purchase agreement. The profession of the proposer is given as "salesman." It is stated that the car will be used solely for private pleasure purposes and not driven solely by the owner.

"How long have you held a driving licence?—Ten to twelve years."

"Has your driving licence or your chauffeur's or that of any

# Evidence for Prosecution.

Denis G. Kennedy

other proposed driver ever been endorsed or cancelled?—Exceeding 20 miles per hour; otherwise licence not endorsed.”

“Do you wish to cover all accidents to passengers in addition to your legal liability?—Never got any passengers, but, yes.”

“Do you require a policy to pay: (a) claims in full or (b) to bear the first part of each claim yourself? If so, what amount?—(a) Yes.”

“Do you intend to take the car on the Continent?—No.”

“Have you been, or are you now, insured in respect of any motor car? If so, please state name of company or underwriters?—No.”

“Have you been involved in any accidents or made any claim under a motor car policy during the past two years? If so, state amount—third party, theft, accidental damage, outstanding?—No.”

“Have you any physical defect or infirmity?—No.”

“Has any company or underwriter (a) declined, cancelled or refused to renew your motor car insurance, (b) required an increased premium or stipulated for an excess on any motor insurance?—No.” Along the margin there is written: “I claim reduction on No claim for three years,” signed by “A. A. Rouse.” The policy was issued as from 18th July.

Under this policy would £1000 be payable in respect of the death of a passenger in the car, or of the owner if driving at the time?—It would be, yes. Under the hire-purchase agreement the owner of the car has to insure it.

Cross-examined by Mr. FINNEMORE—£1000 is the top limit?—It is the most that can be paid.

The amount that is actually recovered would depend upon the amount agreed or the amount awarded in a Court?—No, this is not a question of legal liability.

Re-examined by Mr. NORMAN BIRKETT—I have got here a copy of the policy, which I produce, namely, Exhibit No. 43. That policy is dated to the 18th July, 1931, a Lloyd’s policy to “Alfred Arthur Rouse, of 14 Buxted Road.” The underwriters bind themselves to pay to the heirs, administrators and executors, or make good to the assured, his executors, administrators and assigns, first of all, damage to the Morris Minor, the value of which is put at £140, registration No. MU 1468, and, secondly, fire and theft of the car. “(E) Personal Accident. Bodily injury to the Assured, caused by accident whilst driving or being driven in or examining, or mounting or dismounting from ‘The Insured Car’ or any motor car (other than a hired car) used for the private purposes of the Assured, provided that such car is at the time of the accident being used instead of ‘The Insured Car.’ The sums payable in respect of such bodily injury shall be as follows:—(a) The sum of £1000 if death results within ninety days directly

# Alfred Arthur Rouse.

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and independently of all other causes from such injury. (b) The sum of £1000 if such injury directly or by surgical operation consequent thereon causes within ninety days the loss of both hands or both feet or one hand and one foot by actual separation at or above the wrist or ankle, or loss of sight in both eyes. (c) The sum of £1000 if such injury directly or by surgical operation consequent thereon causes within ninety days the loss of one hand or one foot by actual separation at or above the wrist or ankle, and the loss of sight in one eye. (d) The sum of £500 if such injury directly or by surgical operation consequent thereon causes within ninety days the loss of one hand or one foot by the actual separation at or above the wrist or ankle, or the loss of sight in one eye," and then doctor's fees. Then the endorsement on the back: "Endorsement No. 1. It is agreed and declared that in the event of any passenger being conveyed in, or mounting, or dismounting from the insured car, between the ages of 15 and 65 years, excluding any employee of the Assured, sustaining an accident involving bodily injury, the following sums shall be paid to such person or persons in respect thereof:—(a) The sum of £1000 if death results within ninety days directly and exclusively and independently of all other causes from such injury. (b) The sum of £1000 if such injury does not result in death," but various injuries; "Provided that no payment is exigible under any of the foregoing heads, there shall be paid the sum of £7 per week, limited to 26 weeks, for any period during which the injured person may be incapacitated." Those are the material matters of the endorsement

**ROBERT SKELLY**, examined by Mr. **NORMAN BIRKETT**—I am a detective-sergeant of the Metropolitan Police, and am stationed at Hammersmith. At 9.20 on 7th November I went, with Detective-Constable Holland, to a motor coach which was then standing in the Hammersmith Bridge Road. I saw the accused seated in the coach. I caused somebody else to ask him to alight. I then spoke to him. I said: "Are you Mr. Rouse?" and he said: "Yes, that is right." I said: "We are police officers, and I want you to accompany me to the police station." He said: "Very well; I am glad it is over. I was going to Scotland Yard about it. I am responsible. I am very glad it is over. I have had no sleep." He accompanied me to the Police Station. He was carrying an attaché case (Exhibit No. 20). Upon it there are the initials "A. A. R.," which I observed. When we reached the Police Station I told him that the Northampton police desired to interview him respecting the car which was burnt out at Northampton, and that I would communicate with the Northampton police and see what they desired in the matter. As to what he then said, I did not make a note of it at the time, but shortly afterwards. "I suppose they wish to see me about it. I do not know what happened exactly. I picked the man up on Great North Road;



## Evidence for Prosecution.

Robert Skelly

he asked me for a lift. He seemed a respectable man, and said he was going to the Midlands. I gave him a lift; it was just this side of St. Albans. He got in and I drove off, and after going some distance I lost my way. A policeman spoke to me about my lights. I did not know anything about the man, and I thought I saw his hand on my case which was in the back of the car. I later became sleepy and could hardly keep awake. The engine started to spit, and I thought I was running out of petrol. I wanted to relieve myself, and said to the man: 'There is some petrol in the can; you can empty it into the tank while I am gone,' and lifted up the bonnet and showed him where to put it in. He said: 'What about a smoke?' I said: 'I have given you all my cigarettes as it is.' I then went some distance along the road, and had just got my trousers down when I noticed a big flame from behind. I pulled my trousers up quickly and ran towards the car which was in flames. I saw the man was inside, and I tried to open the door, but I could not, as the car was then a mass of flames. I then began to tremble violently. I was all of a shake. I did not know what to do, and I ran as hard as I could along the road where I saw the two men. I felt I was responsible for what had happened. I lost my head, and I didn't know what to do, and really don't know what I have done since." I noticed he had this case, and I said: "I see you have your case now. Did you rescue it from the car?" and he said: "No. Owing to the fact that I had seen the man's hand on my case when it was in the back of the car, I took it with me when I got out of the car and went along the road. I did not want him to take it."

At about one o'clock in the morning of 8th November, Superintendent Brumby and Inspector Lawrence, of the Northampton County Police, arrived at Hammersmith Police Station. I was present when the accused made a statement to these two officers and another one. As a matter of fact, I wrote the statement down. He signed it, as appears from Exhibit No. 33. Before the statement was made he was cautioned by Superintendent Brumby, and he had been told that he was not obliged to make a statement, and that anything he did say would be written down and could be used in evidence. He then said that he was willing to make a statement. I produce Exhibit No. 33, being the sheets of paper upon which I wrote the statement down.

MR. JUSTICE TALBOT—You need not read it again. It has been read once.

Cross-examined by Mr. FINNEMORE—It would be about 9.30 when I went to the Hammersmith motor coach station when I saw him. The coach is due there about 9.15. As soon as I asked him if he was Mr. Rouse, he said "I am." As soon as I asked him to go to the Police Station he was perfectly willing and ready to go.

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Robert Skelly

And as you have told us here he was travelling quite openly?—As far as I could see he was sitting on the coach. He was not disguised in any way. He had this case which had his initials on it, "A. A. R." He told me that he was, in fact, going to Scotland Yard about it. The bus on which he was riding would continue its course from Hammersmith to Victoria, which is in the direction of Scotland Yard.

I do not know whether anything really turns on whether the actual words he said were "I am responsible" or "I felt responsible"?—"I am responsible" he said at that time.

In his later statement, when he was speaking to you, he said "I feel"?—"I felt I was responsible."

And that he had been worried about it and had no sleep?—Yes, that is what he said. When he was at the Hammersmith Police Station, my purpose then was to detain him until the Northampton police officers came to interview him. When he first was taken there I got on the telephone to Northampton and asked them what they wished in the matter.

I think you said before that he was quite willing to wait and to make a statement?—That is so—well, you say "quite willing to wait and make a statement." After Superintendent Brumby came—it was explained to him that they were from Northampton and would like to take a statement—he said: "Is it necessary now? I suppose I shall have to go in front of the Coroner." That was later on, at 1 o'clock. There was a suggestion from him that he might make his statement in Northampton.

Probably at 1 o'clock, if he had been driving all day from Cardiff, and after what had happened two days before, he would probably be rather tired?—He may have been, but he did not appear to be.

It was while he was waiting there before the officers arrived that he was speaking to you?—Immediately he was taken into the police station.

Was it all one statement?—It was one statement, before he even sat down. He was searched afterwards, that is after I had been on the telephone to Northampton and asked what was to be done.

Was he being detained then as a person from whom a statement was wanted?—Well, that is very difficult for me to answer. I do not know what Northampton wanted to do with him. I only knew they wanted to see him, and that is why he was there. Up to the time when the Northampton police arrived, he was not cautioned or anything. The statement which he made to me was not a formal statement after a caution. I made a note of it immediately when Northampton asked me to keep him there, and that was about 9.45. I showed to the Northampton officers a typed copy of it when they arrived.

It was not, of course, a statement which you showed again to the accused, or got him to sign?—No.

Did you ask him what it was about?—About what?

## Evidence for Prosecution.

Robert Skelly

That he was wanted to make a statement at Hammersmith Police Station?—I did not ask him if he knew. I knew from the message we got from Northampton what it was about.

Did you say to him: "It is your car, is it not?"—No, I did not say that. I naturally assumed it was his car. He admitted he was Mr. Rouse, the owner of it.

By Mr. JUSTICE TALBOT—I understand that when you asked him his name and told him you were police officers and wanted him to come to the station, it was then he said: "Very well; I am glad it is all over"—That is so.

Then you say that when you got into the station, and before he sat down, he began this further statement: "I suppose they wish to see me about it," and so on?—Yes.

*Cross-examination continued*—You said, I think, that he said: "I expected they would," or something of that sort?—"I suppose they wish to see me." Then I asked him about his case. Seeing the case there, I wondered why he had got it.

Do you remember asking him any other questions at all when he spoke to you?—I am not certain. The only thing was—I do not think it happened at this stage, but I might have mentioned to him, when he mentioned St. Albans, "Which side?" I am not certain whether it was then.

You might have asked him as to where he picked the man up?—He may have said which side, the London side or the other side.

Or as to where it was the police officer had spoken to him?—No, I did not ask him that, because I did not know much about that. That was in the first statement.

One of the earliest things he tells you in the police station is that a policeman had spoken to him somewhere by St. Albans?—He does not say exactly where. Later he spoke about that in his fuller statement. I made a note of his statement to me because I knew nothing about it, and I made a note for the information of the Northampton police. Then, later, when they came at about 1 o'clock he made a full statement, and I wrote it down. There were four police officers there, I and a London officer and two Northamptonshire officers. I did all the writing. There were a great many questions asked while the statement was being written down.

Was that by all the officers?—Well, it is very difficult. He was making a statement, and I might sometimes say, "Yes," or "What happened next?" or "Where did you go next?" or something like that, and it is quite possible it was mentioned by all four. It went on until, I should think, probably about 5.30. During that time some of the officers were sometimes in the room and sometimes out. I think I went out once when we stopped for a cup of tea. Apart from that, the other three officers were sometimes all three in, or sometimes two, and so on, and possibly sometimes only one apart from me.

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Robert Skelly

Did he ever suggest that he was tired?—No.

Or hungry, or anything like that?—No. He suggested once that he was thirsty. He was given something to drink. I think he had one cup of tea—it may have been two—and I think when he was offered a cup of tea on one occasion he said he would rather have a glass of water.

You, of course, had to reduce to the form of a written narrative what in many cases was really question and answer?—Yes, that is so.

It appears fairly obvious from the statement itself. For example, he told you in that statement about the officer by St. Albans who spoke to him about the lights, having a cape on?—I have some recollection of him saying that he thought he was wearing a cape, but I do not think it is in the statement, because he was not certain about it and it was not put down.

And that he had got a bicycle?—Yes.

Which, of course, would all help you to find out if such a thing had happened and who the officer was?—Yes, quite.

Then at the end he was asked a number of questions, which we have called cross-examination questions rather, by Inspector Lawrence?—Yes.

Rather of a different type from those put during the whole of the statement?—Yes. When it had all been finished I read it over, and he was asked to sign it. A lot of it really was question and answer which I had to put down in a coherent, straightforward way.

Do you remember, when he was asked at the end, if it was all right, that he said: "Well, yes, it is all correct, though it is put down in your way"?—No. I read it to him and asked him to sign it, which he did. He then said to me: "I have only got your word for it that what you have read out is down there." I said: "That is quite so." I could not have made it up. I said: "You will probably be able to read it yourself when you get back to Northampton." He did not actually read it over; I read it to him.

He did raise the point about reading it?—He said it in a jocular way.

I thought it arose out of the fact that there were so many questions and answers that obviously you could not take it down as a verbatim report?—No, I do not think he intended it that way. He intended it in a jocular way. He signed each sheet. He made one or two alterations, and I scratched them out, and he initialed them.

I gather the impression that he produced upon you was that he appeared to be very anxious to let you know all that had happened about the car?—That was the impression I formed.

He is, is he not, at times rather a rapid speaker?—I should say so.

## Evidence for Prosecution.

Robert Skelly

And speaks rather in an excited or rather excitable way—rather pours out his words?—I do not know quite about that. This is the impression I formed anyway: what one person might say once it would take him perhaps two or three times to explain properly.

He rather struck you as a man of that temperament?—Yes. Of course, I knew nothing of the district, knew nothing of the man, and consequently believed what was told me.

All the way through from the beginning to the end of this very long statement and examination he stuck to the one story, that the car had become alight accidentally, and he had done nothing?—That he did not know how it happened, as he had left the car.

Re-examined by Mr. NORMAN BIRKETT—During the whole time the statement was being written down, did he ever express a wish that he might postpone it?—No; he seemed most anxious to have it all down at that time. There were no requests or complaints throughout the whole of the taking of the statement. When I say that he gave me the impression of a man who required two or three times to express what he wanted to express, it occurred practically the whole of the way through, because it was my job to write it and listen to him, and I would start to write it and he would say, "Well, now," and then he would go on and say something else to convey that that was not quite what he meant, but what he meant was something else.

What you have down on the written paper is the final form in which he desired it to go down?—Yes. To make certain, and owing to that, nearly every sentence which was written down I read back to him to let him see that what I had put down was what he really intended to put down. That process went on during the whole time the statement was being taken down. When the matter was concluded there were the formal reading over, the corrections, and the signing. It was at that time that he made this expression: "I have only got your word for it that what you have read out you have got down." I say that was spoken jocularly. I took it that way, and I think he intended it that way.

During the time that the statement was being given, what was his general demeanour?—To my mind he gave me the impression that he seemed very happy.

Had he plenty of time to think about the things he was saying?—Yes, and I formed the opinion, not knowing the man, that the fact of something being said and then corrected, and then probably corrected again, was in order to gain time to think clearly, so that what should be put down was what he intended to put down. My observation applies practically the whole of the way through the statement.

# Alfred Arthur Rouse.

Robert Skelly

Once, twice, thrice?—Right from the beginning to the end. The statement, as you have it, is the final corrected form which I wrote down.

BOWEN WESTBROOKE, examined by Mr. ELWES—I live at No. 1 Friary Close, North Finchley. I am an advertising agent. I have known the accused for over two years. I remember August of last year when I was camping with my family at Barton, near Luton, and the accused was also camping there with his wife and an adopted child. We slept in tents. The mallet, which is Exhibit No. 32, I have seen before. I know it belongs to the accused. He was using it at that time when we were in camp for knocking tent pegs in.

Cross-examined by Mr. FINNEMORE—Did he get it from his car?—It came out of the car eventually.

GEORGE WILLIAM BRUMBY, examined by Mr. NORMAN BIRKETT—I am a superintendent of the Northamptonshire County Police, stationed at Angel Lane, Northampton. On Saturday, 8th November, at about 4 o'clock, I saw the accused detained at the Angel Lane Police Station. I charged him with the wilful murder of a male person, name unknown, at Hardingstone, on the 6th November. I cautioned him, and he said: "I am quite innocent." With Inspector Lawrence, at about 1 o'clock in the morning of 8th November, I went to Hammersmith and saw the accused detained at the Hammersmith Police Station. I told him who we were, that we were police officers from Northampton, and that we were making inquiries respecting the body found in a car which was burned at Hardingstone on the morning of 6th November. I told him the number of the car, that he was the registered owner of it, and asked him if he wished to say anything about it or give an account of his movements during the night of the 5th November. I cautioned him, and he said: "I will tell you all about it." A statement was then made by him, which was taken down in writing by Detective-Sergeant Skelly. It was afterwards read over to him, corrected in certain places, and signed. (Exhibit No. 33.) I then took him to the Angel Lane Police Station, Northampton. I received the mallet, Exhibit No. 32, from Police Constable Copping on the 6th November. I kept it myself. I later handed it to Dr. Shaw at the Northampton General Hospital. It was then in the state in which I had received it. The accused saw that mallet at the police station on the 9th November, and said: "That is mine."

The remains of the body were taken from the car to the garage at the "Crown Inn" at Hardingstone, but I was not there at the time. The keys of that garage were kept by me. I was present when Dr. Shaw and Sir Bernard Spilsbury made their post-mortem examination. The remains were removed to the

## Evidence for Prosecution.

George W. Brumby

Northampton General Hospital on 12th November and placed in a sealed tank, where they now are. With regard to Exhibit No. 35, the pieces of clothing which were found in the fork of the leg, I was present on 8th November when Dr. Shaw removed those pieces of clothing from the body. At the time they were removed they were wet and smelled strongly of petrol. Upon the same day I went with several officers to Hardingstone Lane to the grass verge. We searched the grass verge all the way along. The place where the car had burned was clearly visible. We searched the grass verge from there to the main road right down to where Hardingstone Lane joins the Northampton-Newport Pagnell road. What we were searching for was in consequence of what the accused said, that he left the car to ease himself, and I went down to look to see if I could find where he had done this, but I could find no trace whatever. I mean that I went to look for what would have come from him. After searching the whole of the grass verge from the car to the road, we found nothing. A special search was instituted for that purpose.

Cross-examined by Mr. FINNEMORE—I understand that at the beginning of the statement when you got to Hammersmith he did ask whether the statement might be taken at Northampton?—When I asked him about it he said he would make a statement. Then later on he said: “Need I make it now?” I told him he need not unless he liked, and then he said he would do so. He then made the full statement which was taken down and which has been produced, saying that he would tell us all about it. The statement was finished about 5.30, and at about 6 o’clock I left with him and the other officer for Northampton. He appeared to be anxious to make the statement.

Did he suggest at any time that he was getting tired, or anything of that kind?—No.

You would probably agree that he probably would be?—He may have been.

It would be something of an ordeal for any man, of course, to be that long time making that statement through the night?—Yes, but he was anxious to do it.

Who told him at some time that a mallet had been found?—I think it was Inspector Lawrence.

Then, as you said, he frankly admitted that he had got one?—Yes. When I showed it to him later at the Police Station, he at once said: “That is mine.”

Did you hear any one at all suggest to him anything of any improper use made of the mallet?—No.

Or that might have been?—None whatever.

Or ask him if he did?—No.

You did not?—No, and no one else did there.

You, Inspector Lawrence, and Inspector Welby, the London inspector, were in and out of the room during the statement?—

# Alfred Arthur Rouse.

George W. Brumby

Yes. I went through the door into the adjoining room. I went into the adjoining room for about half a minute. That is all I was away.

All three of you at times asking questions?—Yes, just to clear the points up which he was telling us, just making the thing clear.

Of course, as we know, he all the way through insisted that the car went on fire without anything to do with him?—Yes.

You described him as giving his statement readily, voluntarily, and eagerly?—Yes.

You did not find any excreta when you looked?—No, I did not.

You knew, of course, that a few days later Dr. Telling, who made a search, did find something which he thought was excreta?—I know he found something. I saw him there, but I did not go to him to see what it was. I was on the other side of the road at the time. This was a few days later, of course. A photograph was taken at the time, either by Dr. Telling or somebody else. I saw the photograph.

I do not know whether you went across to examine yourself with them at that time or not?—No, not until they had gone away, until they had removed what was there. I went then after they had left. I was not there when the burned remains of the car were removed from the grass verge. I think it was on the Saturday afternoon, the 8th. I was there in the morning.

By that time did you think that there might be any importance attached to the question whether there were any reverse marks anywhere in the road?—Not at that time. I was told as soon as I knew about it that there were no reverse marks. As soon as I got there I was told there were no reverse marks.

Do you remember that morning somebody who was at the scene pointing out to you marks which he suggested were the reverse marks?—No, I do not.

Did any one speak to you about it at all?—Not that I remember.

Do you know Mr. Rae?—Yes, I know Mr. Rae.

Did he talk to you that Saturday morning?—There were several pressmen there who wanted to talk to me, and I wanted to get away from them. I did not have anything to say to them.

Did Mr. Rae on Saturday, 8th November, point out to you the marks on the grass verge which he suggested were reverse marks?—I do not remember Mr. Rae mentioning such a thing to me at all.

He was there?—Oh, yes, he was there. There was a crowd of them there. The other officers there were, I think, the deputy chief constable and Constable Valentine.

By Mr. JUSTICE TALBOT—You say that you do not remember anybody pointing out any marks?—I do not. I know there were some marks there, and I knew what the marks were, because I had been told before. They were the marks of the blazing car.



# Evidence for Prosecution.

George W. Brumby

*Cross-examination continued*—But apart from that?—I do not remember Mr. Rae ever mentioning any such thing to me at all. There was a crowd of pressmen there. They kept on asking questions, and I did not answer one of them.

Re-examined by Mr. NORMAN BIRKETT—It was on 8th November that I and the officers searched the grass verge. After Dr. Telling had been up there, some days later, I went to the place where he had been. That was a place which I had previously searched a few days before, and on the day that I searched with my officers making the special search, I could find nothing at all. Mr. Rae is a press representative. His paper is the *Sketch*, I believe. I did not know him until that day. I have no recollection whatever of Mr. Rae speaking to me about the wheel tracks.

If it was the kind of thing he had said would you be likely to remember it?—I think so, yes.

Mr. NORMAN BIRKETT—My lord, would this be a convenient moment for the jury to see the end of the mallet?

Mr. JUSTICE TALBOT—Yes.

Mr. NORMAN BIRKETT—May I say just what I desire them to look at. On the end of the mallet there is a little piece of dirt which was spoken to, and under the glass there is to be seen the hair spoken to in the evidence. That is the one which has been left on. There is a little round patch of glass, and through the glass the hair spoken about is to be observed.

[The mallet was then handed to the jury.]

Mr. NORMAN BIRKETT—Then, my lord, that is the evidence for the prosecution. There is the prisoner's statement.

Mr. FINNEMORE—There is one point I wanted to put a question on to Police Constable Copping, similar to what I put to Superintendent Brumby. I was not in possession of the information when he was in the box.

Mr. JUSTICE TALBOT—Very well.

HARRY BERTIE COPPING, recalled, and further cross-examined by Mr. FINNEMORE—Do you remember the incident that happened on the early morning of the 6th November?—I do.

Were you on duty the next day, Friday morning, the 7th November, on the spot where the car was?—I was.

It was still there on the grass verge as it had been burned out?—It was.

Do you remember Mr. Rae speaking to you on the Friday morning?—He spoke to me there.

Do you remember the place where the mallet was found?—Yes. Was that covered over with a piece of tin or metal or something?—Yes.

Do you remember him going to that and looking at it?—No, I do not.

# Alfred Arthur Rouse.

Harry B. Copping

Were you the only police officer there then?—I was there at 9 a.m. on that day. I could not say whether I was the only one when Mr. Rae was there. I do not remember his going there to look at the place.

Did he then show you what he suggested were the marks of a car having reversed?—No.

Back to where the burned-out car was?—No.

Mr. NORMAN BIRKETT—My lord, there was the accused's statement. When before the justices, in response to the charge, he said: "I am quite innocent of this charge. I have given my statement. I am not a wealthy man, and, whether I am found guilty or not, my all is taken. I do not wish to give evidence; I do not wish to call witnesses." That is the case for the Crown.

Mr. FINNEMORE—On the evidence as it stands, which is only the evidence for the prosecution, I want to submit to your lordship that there is not here a case sufficiently strong to be submitted to the jury for their consideration on this footing:—No one can say, or has pretended to say, what was in fact the origin of the fire. There is evidence that there was a leakage. It is admitted by Colonel Buckle, the only expert so far called, that it is possible that that joint might have become loose by vibration or by the use of the foot under certain circumstances. That being so, and there being the existence of any petrol vapour, there was a number of different ways, which it is unnecessary for me to specify, which Colonel Buckle agreed with, in which a spark could be produced by sheer accident without any intention by anybody which would be likely to cause the petrol vapour, wherever it was, to ignite and so to cause the fire. The accused himself has given his statement: In my submission it is one which certainly could reasonably be true. He had left the car for a perfectly—

Mr. JUSTICE TALBOT—The prisoner's statement cannot be any argument as to whether there is evidence to go to the jury.

Mr. FINNEMORE—That, of course, is true; but there is only this: it might possibly have some effect if the prisoner did in fact give, when asked about the matter, a reasonable explanation. I was really dealing for the moment with the fact that the evidence, if I may put it in this way only to your lordship, is equally consistent at least with a fire having been quite accidental as with anything else. It is quite true that Colonel Buckle says—and I want to face that point—that, of course, if the joint had been for a considerable time as loose as he found it on 4th December, a month later, and supposing they had been driving that for an hour or so, there would have been a heavy smell of petrol, a serious escape or leakage of petrol which was bound to have been noticed.

Mr. JUSTICE TALBOT—He went further than that; he said you could not drive the car.

## Evidence for Prosecution.

Mr. FINNEMORE—I think, with submission, that he only said you could not drive it unnoticed. I do not know that it would matter for this particular argument. Of course, there is no evidence at all to show when it got to that form of looseness, and it may have been, for all that anybody can say to the contrary, within the last few minutes, either before the car stops or while the man is left alone in the car and the prisoner has already left it. Nobody can say, and, in my submission, there is no evidence upon that point at all. If I may say so, with very great respect, the prosecution would have no right to ask a jury or Court to infer that it did happen at such a time that the prisoner must have known, and, therefore, that it was not accidental. With regard to the other points, of course, one always has to bear in mind the fact that it is obvious from evidence, as your lordship has pointed out to me more than once from the photographs and what was said, that there was opportunity which apparently was taken advantage of by some people with regard to the interference with the car, the moving of articles or the altering of articles and back again would all go to make it extremely difficult to say now, with any degree of certainty or conviction, exactly what did happen and exactly how that fire did start. In addition to that (and one would submit that this is a point of some importance, even upon a submission that there is no sufficient evidence for the jury to have to consider), there is the very extraordinary fact in this case which is, in a word, that there is nothing at any time to suggest any motive for the crime whatever. Of course, one appreciates that using the expression very generally it is not necessary that the Crown should prove the particular reason why a man commits or attempts to commit a particular crime. One is faced here with such an extraordinary circumstance, that is, the apparent victim being a man quite unknown, with no quarrel or grudge against the accused, or he against him, both of them utterly unknown one to the other, there being no evidence at all of his identity. But one would, in my submission, suggest that there would be an even greater onus than usual, if one may use that expression, upon the prosecution to prove beyond all doubt that there was, first of all, a crime, and, secondly, that the accused committed it. In the absence of any sort or kind of motive one does submit again that there is a very great gap in the case for the prosecution as presented in this Court. The only suggestion which has been made at all by my learned friend is that perhaps for some reason, which is certainly not clear and of which certainly there is no evidence at all, this man might have wished the body to be mistaken for his own. As I say, that at the highest is only conjecture. There is nothing and there has been no sort of evidence to support that, and there is in fact in the case nothing to suggest that he ever did it or ever tried to do it. But, on the contrary, all the evidence which has been called on behalf of the Crown is that after this incident this

## Alfred Arthur Rouse.

man attempts to hide from nobody, attempts to conceal himself from nobody, calls attention to himself——

Mr. JUSTICE TALBOT—I think you are going rather beyond the point.

Mr. FINNEMORE—I am very sorry if I am. That would be the only point that the complete absence of a motive here is a very important factor in the extraordinary circumstances of this case; plus the fact that there is, in my respectful submission, no evidence at all that the car was ever deliberately set on fire by the accused; and also, of course, no evidence—indeed, quite the contrary—that there was any injury of any kind done by him to the deceased man. In other words, the evidence as it stands now at this moment is consistent entirely with the innocence of this man, and for that reason, in my respectful submission, is not strong enough or sufficient to be submitted to the jury at all.

Mr. JUSTICE TALBOT—All these topics are matters which are very proper to be laid before the jury on the question which they have to decide, and it is quite open to you, if you think fit, to go to the jury on the footing that there is no case for you to answer as a matter of fact; but if you ask me to rule as a matter of law that there is no evidence to go to the jury, it is an impossible contention.

Mr. FINNEMORE—Then I propose to call evidence in that case. I propose to open the defence.

### Opening Speech for the Defence.

Mr. FINNEMORE reminded the jury that the Crown must prove their case beyond all reasonable doubt. The prosecution had got to close every door, fill up every gap and stop every avenue of escape before the jury could find a verdict of guilty. Their responsibility was a very heavy one, but they should remember right at the outset that the law helped them and prevented their burden becoming unbearable by insisting that the case must be proved beyond all doubt. Especially was that so where the whole of the evidence was circumstantial. While circumstantial evidence could be extremely strong, so strong that its inferences made the case one of almost mathematical certainty, it might, on the other hand, fall far, far short of that. It was so easy to draw wrong inferences that the jury needed to take every care. This danger was increased a thousand-fold in a case like the present, which was quite unprecedented in that the deceased man remained unknown and unidentified.

He submitted at the outset that the case for the prosecution was unsubstantial and inconclusive. The facts proved were at least as consistent with innocence as with guilt, and most of the

# Opening Speech for Defence.

Mr Finemore

facts much more consistent with innocence. The case was so flimsy, unsubstantial, and uncertain that the jury ought never to think of convicting upon it. The story itself which they were asked to believe was almost incredible: that a man should pick up a complete stranger, with whom he had no quarrel and no grudge and no cause of trouble of any kind, and then proceed to kill him in cold blood and burn his body.

He would, however, give to the jury two warnings. The first was that the case had been presented to them so persuasively that, if they were not very careful in looking at and weighing the evidence, they might begin to forget its improbability and its inherent unlikeliness.

The other warning was that the case had acquired enormous publicity, and lots of things had been said and written about it, and the members of the jury must have heard or read something about the case before they came into Court. It was their duty to put all that out of their minds, to forget any previous opinion or theory, and to decide the case only on the evidence given in that Court.

In reviewing the evidence they would see that not only was the prosecution story improbable, but there was no real evidence to support it and almost everything against it. Especially was there no evidence of any motive. While it was true in law that the Crown did not have to prove motive, in a case of this kind motive was crucial. The only motive suggested was that the prisoner might have wished to disappear. There was no evidence of any preparation for a disappearance in word or deed. On the contrary, the prisoner was expected at the house of Mr. Jenkins on the Friday after the fire, and he went there as arranged. Had he wished to disappear he would have been left a mile out of Northampton with no conveyance, little money, and nowhere to go. If his plot had succeeded, he would have been left with no job, no home, no work, and no friends. He would have made himself an outcast, workless, helpless, and homeless, for no object which any one could see. This was so incredible that it carried its own refutation.

Nor was there any evidence of any reason why he should wish to disappear. He was not in any desperate position. There was not a single urgent claim against him, nor a single difficulty or trouble. Not only was there no future and no hope in a disappearance, there was no reason for it. Further, after the fire he did not attempt to disappear. He did not hide or disguise himself, but went to places where he was well known. He attracted attention to himself from the very start. He called out to Brown and Bailey from 15 to 20 yards away. He stopped and boarded a lorry within full view of the fire, travelled four hours all the way to London carrying his attaché case with his initials, and did not attempt to hide himself in any way. When he reached

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Mr Finnemore

London he went in broad daylight and spoke to the witnesses Smith, Turner, and Bell. He went to Gelligaer where he was well known by name, and travelled in a public charabanc still carrying his marked attaché case.

It was true that he told untruths to Mr. Jenkins and others in South Wales, but they were foolish and contradictory, and were not the prepared story of a deliberate criminal. The jury might think that the untruths were not altogether unnatural, and that it was not too easy for him to admit his lack of courage and his flight from the fire.

He then returned openly to London, at once admitted his identity to the police at Hammersmith, and gave his explanation that the affair was an accident. Mr. Finnemore laid special emphasis on the prisoner's statement to Sergeant Skelly, "I am responsible," which, he said, would be an incredible statement for a criminal to make. At Hammersmith Police Station he then told the police his story, which story was his defence that day. The jury should notice the impression which he made on the experienced police officers who questioned him. Superintendent Brumby said he gave his statement readily, eagerly, and voluntarily, and Sergeant Skelly said that he appeared anxious to tell them all about it. There were some discrepancies and omissions in the story, as might be expected, if his story of getting into a panic and losing his head was true. Also they must remember that he had travelled all day from Cardiff, had waited in the police station from 9.30 p.m. until 1 a.m., and that his statement was taken between 1 and 5.30 a.m. He was alone with four officers for over four hours, and was asked many questions, and though he might not at that time of day be at his freshest and best, he never wavered in the main outline of his story.

He asked the jury to follow closely the story which Rouse had given. He had left the car, and a few minutes later saw it in flames. He ran up to it, saw no sign of his companion, and all alone at 2 in the morning, with no one to help, became panic-stricken and ran past his car shouting "My God, My God!" His nerve broke and he ran away with one idea hammering in his head, somehow to escape from the blazing horror in the road. Was it not a story strongly indicative of a man who lost his nerve and ran away, and not in the least that of a man who was a cool and callous criminal? Was it such an unlikely or improbable story that the jury would easily disregard or discard it. They would use their knowledge and experience of human nature in judging it. The picture given was the picture of a man who did what he said he did, with all his emotions surging up in the overmastering passion of fear. The jury were quite entitled to accept it, and everything which followed after fitted in with that story as it did not with anything else.

The Court adjourned.

# Opening Speech for Defence.

Fourth Day—Thursday, 29th January, 1931.

## Opening Speech for the Defence—continued.

Mr. FINNEMORE said that he had completed his observations on what he called the human issue in the case, and was now going to deal with the medical issue and with the technical issue. He pointed out that, with scarcely an exception, the medical evidence given by Sir Bernard Spilsbury and Dr. Eric Shaw went to corroborate the prisoner's account of the incident. The man was alive when the fire started, he died very quickly, probably in something less than half a minute, which showed that there must have been a very sudden, very great, and very violent blaze. The only cause of death was shock due to burns, and there was no evidence of any injury or violence inflicted during life, nor any evidence of any attack of any kind made upon the deceased. All that evidence was consistent with the defence put forward from the start, and quite inconsistent with the prosecution suggestion of a murderous attack. In the absence of any evidence at all to the contrary, he asked the jury to accept the fact that there never was any attack of any kind made upon the deceased.

An important point arising on the medical evidence was—what was the position of the body when the fire started? Sir Bernard Spilsbury had said that the man might have pitched forward or might have been placed across the front seat. . . . He had also said that if the police were accurate about the position of the right leg, the door must have been open at the time of the fire. The jury, however, must remember that there was a tremendous fire in which the whole car was destroyed, the roof fell in, the sides fell out, and the seats and backs all fell away. It was therefore wholly unsafe and dangerous to draw definite and certain conclusions as to what had happened before the fire. Further, it must be remembered that all the police had admitted was that they did not think the exact position of the body was of any importance, and they had not made any note of any kind. Yet the point depended entirely upon the accuracy of their recollection. In other particulars their accuracy and memory had been shown to be faulty, and divergencies on other matters showed the extreme danger of relying too easily on their evidence about the position of the body. Evidence of what was found hours and days later might be of some help to the jury, but it was the sort of evidence in which the margin for human error was very large.

If the theory was that the prisoner murdered a man whose body was to be mistaken for his own, he had acted in a most extraordinary way. Why not put the body in the obvious place,

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Mr Finnemore

the driver's seat? It would have been the obvious thing for a murderer to have done.

Dealing with the question of the mallet, Mr. Finnemore reminded the jury that nothing definite in plain English had been said about its bearing on the case, but he presumed the suggestion was that it had been used to stun or injure the deceased man. If that was the suggestion, not only was there no evidence to support it, but there was a great deal against it. Its position proved nothing, since the car had been left unguarded for some hours, and people had looked at it and handled it and the objects in and near it. When one spoke of a mallet with hairs upon it it sounded grave, but, when they came to face the evidence, there was nothing left which told against the prisoner at all. The defence would agree that the one hair,  $1\frac{1}{4}$  inches long, was a human hair, but there was no evidence where it came from, whose it was, nor how it became separated from the head, except that, as Dr. Shaw had said, it was not necessarily by violence. There was no evidence of any other human hair found on the mallet at all. Further, Dr. Shaw had inspected and tested the mallet, and told them that there was no bloodstain, skin, tissue, nor anything else at all except dirt. The mallet was not a special weapon taken out that night; it was usually carried in the car, and had been there as long ago as the previous August. The moment he was asked about the mallet at the police station, the prisoner at once admitted frankly that he had one in the car, and as soon as shown it at Northampton, he said "That is mine." Having arrived at that position, the mallet ceased to have any significance whatever as a possible weapon or instrument of attack. If anything at all seemed quite clear in this case it was that the mallet was not used that night for any improper purpose.

Mr. Finnemore then dealt with the technical issue, and said that nobody at all could tell the jury how the fire started or what caused it. There was nothing to show that it was deliberate rather than accidental. Colonel Buckle had agreed that the car could catch fire accidentally in many ways even when the engine was not running. An escape of petrol and a spark, which might be produced by the self-starter, or a worn insulation, or a loose terminal, would be quite normal causes of fire without any deliberate act at all. No one could say what the primary fire was or how it was caused. Colonel Buckle had laid great emphasis on the fact that he found the petrol union nut one turn loose. Could they imagine a more preposterous way of setting a car on fire by a man who had not only his tank but also a separate can of petrol? Why turn the nut only once instead of three or four times so that the petrol might come through quickly and the fire be rapid and fierce? The full tank would take  $1\frac{3}{4}$  hours to empty if the nut was only one turn loose. Further, this loose nut was not discovered until 4th December, a full month after



# Opening Speech for Defence.

Mr Finnemore

the fire itself. Colonel Buckle had admitted that if the joint was not mechanically tight it could become loose by vibration. He also admitted that a passenger's foot could rest quite easily on that joint. The jury would have to consider whether it was unnatural or unlikely that the passenger's foot might have loosened still further a nut which was already somewhat loose before the car stopped. The prisoner would tell them that he did not know anything about the nut. He had not noticed that it was loose, and he certainly did not loosen it; but it was clear that such nuts do become loose either by vibration or because somebody had failed to screw the nut up spanner tight.

Mr. Finnemore said he had kept two points to the end because of their vast importance. The first was the position where the accident happened. Was it not incredible, he asked, that the prisoner should have chosen a site for the alleged crime 159 yards from a village through which he had just come? True, it was 1.30 in the morning and the village asleep, but it was an extraordinary thing, when he could have gone down side roads which he had passed, to choose a place, on a brilliant moonlit night, so close to a village and in full view of the houses.

The second point was of equal importance. Only 37 miles away, and less than two hours before, the car had been stopped by a police officer. He had spoken to the prisoner and had seen clearly two men in the car. The moment the matter had become public, and the suggestion made that the prisoner's body had been found in the car, Police Constable Lilley would have come forward and said that he had seen the car only a short time before and that there were two men in it. Had the prisoner had any idea like that suggested by the prosecution, it became impossible as soon as the police officer saw him and his companion at Markyate. He commended that to the jury as the strongest possible comment upon the whole suggestion of the prosecution.

He proposed to call the prisoner before them to tell his own story. He was not bound to give evidence, but he chose to do so, and he would give his own account in the witness-box to the jury. He proposed also to call other witnesses to help the jury. He could not say for the defence how the fire started, but he intended to put forward a number of theories to account for the occurrence, any one of which might be true, and any one of which would show that the affair could have happened accidentally without any deliberate act by the prisoner. He did not bind the defence to any particular theory, except the statement of Rouse himself, who said "There was no murder; I had nothing to do with the fire . . . I now see I was extremely foolish. . . . I realise now, nobody better, how foolish I have been and how easily that foolishness may have caused suspicion which has resulted in this trial. But I never killed that man or anybody else." "That," said Mr. Finnemore, "is his position. That is his defence."

# Alfred Arthur Rouse.

## Evidence for the Defence.

ALFRED ARTHUR ROUSE (prisoner on oath), examined by Mr. MARSHALL—I live at 14 Buxted Road, Friern Barnet, London, N.12, and by occupation I am a commercial traveller. I have always understood that I was thirty-six, but I have no proof of that. In the course of my business it was my duty to travel for the firm of Messrs. Martins on the south coast, in London, and in certain towns towards the Midlands, as far north as Leicester. I travelled in articles such as garters, braces, mackintoshes, and things of that sort. In the course of my travels it was my custom to use a motor car as my method of transport. I served and was wounded in the war a few months after I joined up. I joined up on the 8th August, I think it was, and I was wounded on the 15th April; I believe it was February. 25th May, 1915, I think it was. I was wounded on the left part over my temple, at the left of the head, and my left leg just above the knee, and, of course, I was blown up at the time—I think it was just previous to that—and I think I had one or two small scratches previous. They were not really serious.

*Further examined*—Turning our attention to the wound on the temple, has that affected you in any way?—Previous to the war, I had no complaint or no one had any cause to complain of my memory; but most people seem to think now that my memory is somewhat erratic at times, and have told me so.

I want now to come straight away to the 5th of November of last year. First of all, on that day where did you travel in the course of your business?—After leaving my home at Friern Barnet, I think the first call was made round about Holloway Road. I then proceeded to the south of London, Peckham Rye, Streatham, and, I cannot say for certain, I believe I went to Croydon; but I certainly went to Streatham.

Can you tell how far you think you travelled by your car in London on that day?—If I covered the journey that I just previously mentioned, I should say roughly about thirty miles. If I went to Croydon it would be perhaps another ten miles.

Whilst you were doing that journey in London, did you have any cause to purchase any petrol?—I purchased some petrol the day before, and I thought I was running a bit low; so I did not wait for the petrol to run out of the tank—I had a two-way tap—and I pulled up at a garage, I cannot remember just where, but it was somewhere round about Peckham or thereabouts—it might have been Streatham or that part of London—and filled up with petrol. I do not remember the exact amount I purchased, but as I had not previously run out of petrol—the tank would only hold when full five gallons and the two-way tap always leaves one gallon at the bottom—as I had not run out of petrol I could not have purchased four gallons, because the tank would have overflowed. Therefore I presume I purchased three gallons; I

## Evidence for Defence.

Alfred A. Rouse

never buy a half-gallon. After filling up, I might have had, including the spare, five gallons, but I might only have had four and a half.

Did you also in your car on that day have a petrol can?—Not in the morning, but in the afternoon or evening before I left for the long journey north.

As far as you can say, will you tell us at what time you left your home at Friern Barnet in the evening, for the last time that day?—I never saw a clock until—the last time I remember seeing a clock was in City Road, and that was, roughly, perhaps, round about 8 o'clock, a little past or a little before. From City Road I went home.

Mr. JUSTICE TALBOT—All you can say is that it was some time after 8 o'clock?

*Examination continued*—Did you have anything when you got home?—Yes. When I arrived home my wife was not in and I waited about to see her before going to Leicester. When my wife arrived she gave me some tea and something to eat. I asked her to pack my case, and she gave it back to me.

Having regard to those things which you have told us, can you give us any estimate as to what time you were likely to leave home?—I should think after 9 o'clock. It could not have been before 9 o'clock in any case.

Where were you going?—To Leicester.

What were you going to Leicester for?—In the first place for money, and I wanted to see them on several things—samples, and things of that description; general business. Mostly I was going to try to see them about money. I wanted some money for the car.

From Leicester where did you intend to go?—To Gellygaer, South Wales.

After leaving your home that night, do you remember something happened when driving out of London?—Yes. Soon after I started, within a mile or so, just at about Tally Ho Corner—I should say anything between a mile and a half-mile—a man stepped off the kerb, or not exactly stepped off the kerb, and put his hand out from the kerb to stop me, and I stopped.

What request did that man make to you?—I believe his exact words were: "Can you give me a lift, guv'nor?" or words to that effect.

What did you reply?—My exact words I cannot say, but I replied to the effect: "Where do you want to go? I am going up north or to Leicester." I indicated that I was going somewhere to the Midlands or north.

What did he reply to that?—It was just where he wanted to go, or words to that effect. He looked quite respectable and all right, and I thought it would be a companionship for me, and I said that I would take him as far as was convenient.

In fact, you gave him a lift?—Yes, I did.

# Alfred Arthur Rouse.

Alfred A. Rouse

Can you give us any description, as far as you can tell, of the man whom you picked up in that way that night?—I had no light in the car, except for a very small dash light, and though Barnet is—in one or two places of the town—lighted slightly, I did not look at him to give an exact description. I have an idea that he was respectably dressed; a collar and tie he certainly had, and his clothes were quite in good repair and order. His overcoat was of a light texture; I should not like to say whether it was a raincoat or mackintosh; it was a light coat. I did not see his teeth or anything like that. I do not think I saw his hair. Anyhow, if I did, it was only for a few moments; he had his hat on for most of the time. His eyes, naturally one man would not look at another man's eyes to tell the colour; but he was clean shaven. He was about my own build, but not perhaps so meaty, perhaps not quite so stout; but about the same build otherwise.

Did you notice anything about his speech?—He was not a Londoner; he was an Englishman. Very likely he was a country man; he might have been from the south. He spoke with a country accent.

Did you notice anything else about him?—Well, when he got in the car, or rather, after I had been driving perhaps for a minute or two minutes, when he started to talk to me I rather wished I had not invited him in, because his breath smelt rather of drink; I should not like to say whether it was beer or spirits or what it was. I do not drink myself; but, whatever it was, it was rather objectionable. Even before we reached Barnet he had turned towards me, talking to me of various things I really was not interested in, because I was not interested in him then, and his breath certainly smelt very objectionable of drink.

After picking him up, did you continue your journey towards the Midlands?—Yes.

What is the next distinctive thing about that journey that you remember?—I was feeling a bit sleepy, and, following my usual practice when doing so, I decided that I would stop on the roadside to have a slight, we will say, doze.

About where would that be? Can you remember exactly?—No, I cannot. I should say either south or north of St. Albans, but I really do not remember.

What happened then?—I pulled up at the side of the road in a normal manner of putting my brake on, &c., and I said to the man: "I am going to have a few minutes doze," or words to that effect. I settled down into the well of the car; it is more comfortable than the seat. I laid my head on one side and prepared to have a doze. I cannot say whether I fell off to sleep or not; I do not remember; but, anyhow, soon afterwards. I might say that the reason I did not get to sleep was the man

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struck me as being rather fidgety—nothing extraordinary, but he seemed to fidget about. A constable—I do not remember him coming up, I did not know that he was there until he spoke, but he said words to this effect: "Do you know your back light is out," or "Your lights are out." I was very surprised and got up from the seat a little bit to see the reflection of my lights and could see they were out. I immediately switched them on and told him I was sorry. The constable seemed satisfied. I think he went all round the car to see if everything was in order, as a constable usually does. While he was doing that, I asked the man in the car if he had interfered with the lights. He replied with words to this effect, that a car was coming towards us with the headlights on, and, because they were on, he would put my headlights on. I take it that when he went to switch off again he switched the whole lot off instead of leaving them half-way on.

After that where did the constable go?—I presume naturally enough he went onwards.

Did you go on or did you stop?—I woke up properly then, and, as I thought I might as well go on, I continued on my journey.

What is the next thing that you distinctly remember about that journey?—Some distance further on—I do not know, I have only been told near Northampton—I presume I was getting near Northampton—I noticed I was going through a village that I did not recognise. I said to my companion: "I believe I am on the wrong road." Then I believe I remembered a few moments previously bearing to the right. I could see Northampton, or the reflection of the lights, and it looked as if we were somewhere on the right road. I got to an obelisk or memorial, and I thought it would be better to go to the left and I took the road to the right. I did not turn the left-hand side of the memorial, but I went round the memorial and then went along there. I do not know the name of the road—is it Hardingstone Lane?—but I went to the turning to the left. I had gone on some distance—I could not say how far I went along—and my companion suddenly said: "This would be a fine place," or "good place," or words to that effect, "for your sleep" or "doze." I pulled up at the side of the road to have a sleep.

Did you in fact sleep?—No.

Why?—A moment after I had stopped, I felt that I wanted to relieve myself, and I thought I would get out and do that.

Before stopping, do you remember anything particular happening about the car?—She spat once or twice, or spat several times actually as a matter of fact; but I had been going along there very slowly—I should say about twenty miles an hour or so. It is very slow for me, because I usually go very fast, to be quite frank with you; the car had spluttered, and I put it

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down to the engine being rather cold. When I got out of the car to relieve myself, I thought I might as well have a look in case I was running short of petrol. I did not think I ought to be but I thought I would have a look. I lifted up the off-side of the bonnet, unscrewed the petrol cap, and put my left foot on the running board to see if I could see the petrol. It was a fairly light night and the moon was fairly bright, and I thought I might see the reflection of the petrol.

Could you see what the state of the petrol was?—No, I could not. So I presumed it was getting perhaps on the low side, and I thought I would just fill up. I opened the door of the car—I believe I had previously shut it—and got the can of petrol from the back.

What did you do with that?—I was going to fill up with it, so naturally I put it by the side of the road myself, very likely in between my legs, to unscrew the petrol cap. It would naturally be tight.

Do you know how you did unscrew it?—To be quite frank with you, the petrol cap naturally must have been tight, otherwise the petrol would be splashing all over the road, and one always screws up a can of petrol tight. I do not remember handling the mallet for that purpose; I have an idea that I did; but I cannot picture myself at the moment using it; but it was the only thing in the car I would use.

Why do you say that it was the only thing convenient?—The tools in a Morris Minor are carried underneath the seat of the passenger. As the passenger was sitting in the car, to get anything out to open the can with I would have to request him to get out of the car. As I no doubt remembered that I had a mallet in the back, very likely beside the petrol can for all I know—I do not remember it—I no doubt used the handle of the mallet.

When you did unscrew the cap of the petrol can, did you in fact take the cap entirely off?—Yes; I first took it entirely off, and then I put it back a thread or so.

As far as you remember, what did you do with the can?—I was going to fill up, but, at the same time, as I thought I was giving the passenger a lift, I suggested he might do something in return. I suggested that, as I wanted to relieve myself, he should fill up for me.

About that time did the passenger speak to you about anything?—Well, after that I put the can back in the car. I said: "Can you fill up?" and handed it back to him in the seat.

Do you remember exactly where you think you put the can down?—I am certain I put it on the seat.

On the driver's seat?—On the driver's seat.

Do you remember the passenger saying anything to you about that time?—Yes. I think I had already shut the door,

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and, as I was going away, he said: "Have you a smoke? Have you got a cigarette?" I thought he had had enough, to be quite frank; he had had one or two previous. Then I remembered he had had my last one, and I said so. I then remembered that I had a cigar in the case that I did not want to smoke myself, so I gave it to him. In fact, it was in a little carton, put in a little cardboard thing; there are five in a box, I believe, and I opened the door and threw it to him and he caught it.

Was anything said about a light at all?—Yes. I said, "I suppose you have a match," or words to that effect, and he said "Yes," or inferred that it would be all right; he could light it.

After that, where did you go?—I went further down the road to do what I intended to do.

Can you tell us about how far you went?—I have never seen the spot since and I really cannot say; but I went away sufficiently far to be out of sight, because the man had previously switched the headlights on. I should say anything within 200 yards or 250 yards, some distance from the car.

That would be on the grass verge?—Yes; I went on the grass verge. I did not walk up there on the grass verge; I walked on the road.

The spot you chose was actually on the grass verge?—Yes.

I want you to tell us in your own words just what happened, what you saw, and what you did after that?—Well, I was not in a great hurry. I went down to the spot that I thought was most suitable. I saw there was not much likelihood of any interruption, so I proceeded to undo my things. I had my case in my hand and I put it in front of me. I started to relieve myself. Anyhow, I remember starting to relieve myself and I thought I saw—I was not quite positive at the time—that on the left-hand side, or possibly on the right-hand side, I seemed to see a reflection of a light; I did not see a beam of light, but there was a reflection of light of some kind. I did not take much particular notice. I thought: whatever it is, it is a long way away. It then either got brighter, or continued, and I thought to myself: I wonder what it is. I think it was about that time I heard my self-starter go, or some mechanical noise of that description. I stood up a little to have a look. I do not say that I saw anything, but I took a couple of steps forward. Then I saw quite plainly, turning round to see, my car or what I would say in the ordinary course was my car. I knew where it was approximately, and I took it my car was in flames. Directly I saw it, for a moment or so I looked. I could not understand it. It was the last thing in the world I thought of happening.

What did you do?—Pulled my things up and ran towards that way.

What happened there?—Well, I could not run very quickly, because, of course, I was doing my things up, but I know I had

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not the case in my hand because I was doing my things up. I particularly remember I had not the case with me. I ran towards the car, and when I got there I could not approach it, within several feet of it, because the flames were coming out all round it, and they were leaping up very high indeed. In fact the heat was intense. Of course, I was a bit panic-stricken. I went as near the car as I could. I think one of the first thoughts I thought was: the car will explode; my petrol tank will explode. I know I ran past the car towards the village, I take it, for help—I do not remember exactly what my thoughts were. I know I said something, "My God, my God!" I know I did not know what to do. I turned round and ran back on the grass verge to see if I could do anything, presuming the man was inside. I did not know; I could not see him, or anything. I got terrified of the sight, and ran.

Can you tell us which way you ran?—Towards the—I do not know; it was the main road. I presume it would be the main road, because I knew the main road should be in that direction.

Do you remember what the next distinctive thing was that came your way?—Yes, I saw two men coming towards me. I was then, I think, running on the grass verge. I was going to turn to the left, I think, as far as I remember. Anyhow, I was just on the grass at the time; whereabouts on the grass I should not like to say; but I was certainly on the grass. I ran towards them. My first thoughts were to get help from them. If I was going to speak to them I do not know. Anyhow, I ran past them; thoughts must have struck me. Well, I do not know. I cannot account why I did not speak to them. I ran past them and I turned round, and I was going to run to them for help, but I did not. Whether I spoke to them or what I did I do not know. I got to the main road, and I suppose the next thought was to get help from a lorry—more efficient, because a man would not be much help in putting out a fire; you want an extinguisher, or something of that sort. I lost my head, and ran this way and that. Before that, before I saw the men, I ran back down the road for my case. I picked up my case, and then I saw the men, with my case in my hand.

You then say that you ran one way and then the other?—I remember hesitating which way to run. I do not know quite what I did. I know I hesitated which way to run, in any case.

What is the next thing that you remember actually doing?—I remember trying to stop one lorry, and he did not stop; another one came along, and he did.

Was that the lorry driven by Turner, upon which Turner and his mate Pitt were riding?—I did not recognise the two men in the witness-box, but I presume it is so. It was certainly a lorry I stopped, and I take it it is the fact that the two men were driving that lorry.





**Alfred Arthur Rouse (aged 20)**  
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## Evidence for Defence.

Alfred A. Rouse

They drove you towards London?—Yes.

Do you remember where you were put down?—By the Tally Ho Corner. That is a public house.

Before that, do you remember any conversation that you had with the men on the lorry?—The first thing that I noticed, about five minutes after being on the lorry, I remarked to him it was a good idea having his floorboards up to warm the lorry; his exhaust was red hot and keeping the lorry nice and warm. At the same time his engine was making rather a lot of noise. I think I said: "You have a bad leak there in your silencer; it is blowing back, and what not." He said: "It is getting rather old; does a lot of work," and we started to talk generally about his engine and cars in general. We spoke a lot about his engine because I was interested in getting at perhaps what was his trouble.

Do you remember giving any excuse at the time that you were picked up?—When he stopped I do not remember exactly what I said to him. No doubt he asked me why I wanted a lift; but I do not remember what I said, to be quite frank, but I asked for a lift.

You gave some excuse of some kind?—Yes, certainly.

Where did you go from Tally Ho Corner?—I went down to the Embankment, because I had made up my mind to go to Wales, and I knew I could get a charabanc from somewhere along the Embankment.

Did you go direct to the Embankment?—To be honest, no, I did not.

Where did you go first?—I first went home.

How long did you stay at home?—At the outside, half an hour. I should say more likely a quarter of an hour; I might have stayed about half an hour.

Did you rest at all?—I did not go to sleep, or anything like that.

You stayed there, and from there you went to the Embankment, you say?—I did.

Why were you going on to Wales at that time?—I was most anxious to get down there because I had had a telegram requesting me to go down there, practically immediately I think was the word.

Indeed, what you had already intended (let us suppose you had intended to go) had you gone *via* Leicester?—Yes.

At that time did you think you ought to see the police first?—I do not think I was worrying so much. I was worried about everything. I had made all my plans beforehand. Pardon me, what day was the 6th?

The 6th was a Thursday?—I made my plans for Thursday, Friday, and Saturday, and also I wanted particularly to get back to London on Monday. I had made arrangements for

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then, or rather the Sunday. All my plans were at a standstill; I could not do anything without a car. Naturally enough, I wanted to get down. Well, I had promised to go down to Wales, and I went.

You remember going on the bus down to Wales?—I remember part of the journey.

Do you remember getting to Gellygaer?—I remember going up to Mr. Jenkins's house. I do not remember getting to Gellygaer. I think I had to change four times to get there after leaving the original bus.

You do in fact remember getting to Mr. Jenkins's house?—Yes.

There did any question arise about your car?—When I got in there—I arrived much later than they expected me—I think the first words were, "Why are you so late?" so I said, "I have lost my car," or words to that effect.

Generally, do you remember the incident spoken to by Mr. Jenkins, Miss Jenkins, and Mr. Reakes?—I do not remember that conversation exactly.

Do you remember giving some explanation of why you had not the car?—I gave some explanation; what it was I really could not say.

Was it a truthful one?—No, I could not say that very well, because it was very lengthy and long. Another thing, too, there were ladies present, and one would hardly give the whole of the details in any case.

Were you going to tell about the car?—I had not thought about that. They would have to know eventually.

Do you remember the next day you got a lift from Mr. Brownhill into Cardiff?—Yes. I did not recognise the man, but I certainly got a lift.

Do you remember that you called on the way to Cardiff at the Coopers' Arms Hotel?—Yes, I called somewhere. In fact, we made two calls, to be quite frank.

Why were you going to Cardiff?—I wanted to get back to London as soon as I could.

What for?—I wanted to go to the police. I was going to Scotland Yard, as the proper authority. I think it said Scotland Yard in the *Daily Sketch* or *Daily Mirror* at that time, and I was going to Scotland Yard.

You are perfectly definite as to this: When you went to Cardiff you went with the intention of getting some connection to go to Scotland Yard?—Most decidedly. I should not have gone to the local police in any case.

Did you tell Mr. Jenkins so?—I cannot remember telling Mr. Jenkins so, but very likely I did.

Do you remember then getting on the coach and going back to London?—I went back by coach.

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Do you remember anything happening at Hammersmith?—Yes. When the charabanc, or coach, pulled up on the left-hand side of the road, a man put his head in at the door and said “Would you mind coming outside?” I reached for my bag, which was on the rack, and my hat, which was at the side of it, and stepped out of the coach. The constable said, “Are you Mr. Rouse?” I did not recognise him as a constable; he was in plain clothes, if I remember rightly, and I said “Yes.”

That was Detective-Sergeant Skelly?—That I cannot say.

You remember going to Hammersmith Police Station?—Yes.

Do you remember making some statement to the police officer there, before the Northampton people arrived?—Well, I had started that conversation on the way there.

Then, indeed, after you had met Sergeant Skelly, you did begin telling him in outline what had happened?—Naturally I presumed that they had arrested me then. I had nothing to hide, and started telling them all about it.

That statement Sergeant Skelly has given us evidence about. The next thing was the arrival of the Northamptonshire Constabulary themselves?—They searched me, and all that usual paraphernalia, and then I was informed that the police were coming down from Northampton.

I think it is not in issue, but do you remember they arrived at about 1 o'clock in the morning?—I could not say what time.

Do you remember for a long time after that being with four officers and having the long statement which is Exhibit No. 33 taken from you?—Yes.

Was that statement given at the time, as far as you remember, a truthful account of what had happened?—Quite.

You remember at the end of that particular statement that you were asked certain questions, and you were asked to give certain explanations?—Yes. I may say that during the whole of the statement being taken down—I am not exactly an orator, as it were—they kept on asking me questions all the way through.

But at the end they asked you for certain explanations of certain things?—Yes.

Those you gave?—Yes.

They were important explanations?—They asked me to account for certain things, and I did.

And you accounted for them as best you could?—When they asked a question it was a sort of riddle. I did not know how it occurred, and I said what I thought.

After that, do you remember being taken to Northampton, where, I think the next day, you were subsequently charged, and made the reply, “I am quite innocent”?—That is right.

When you got to Northampton were you still wearing the same shirt that you were wearing on the day of the fire?—Yes; I had not undressed—well, only at the Jenkins's place.

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That shirt you were wearing after you came to Northampton and subsequently after you got to the prison at Bedford?—I changed it at Bedford.

Will you look at that shirt? (Shirt handed to the witness.) Is that the shirt that you were wearing?—It looks as if it is the same. I should very much doubt if it was not. As far as I can say it is the same shirt. (Exhibit No. 44.)

Was that shirt changed at Bedford and handed over to go to the laundry?—Well, I wanted a clean shirt; I do not know where it was going to.

First of all, did you do anything wrong at all in the Hardingstone Lane at 1 o'clock or between 1 o'clock and 2 o'clock on that night of the 5th and 6th November?—Nothing criminal at all. I was wrong, very likely, in running away. I ought perhaps to have helped, or tried to help, or endeavoured to help, but, thinking of the whole of the circumstances, I have come to the conclusion that it would have been impossible for me to have got anywhere inside the car, or near the car, or helped him out of the car; I could not get near him.

Did that fact trouble you at all afterwards?—Yes, afterwards, naturally it did.

You know that subsequently you told things which were not true. What do you say now about that? In South Wales, for example, you gave explanations which were not true?—I gave the explanations which I thought were most suitable at the moment. I did not want to give a full explanation. As I say, ladies were present each time, for one thing, and it was rather a long story, and I should never have got to the end of it, and I gave the nearest for the time being to let them know. They would know eventually, in any case.

Now that you know that these things which you said were wrong, do you realise the difficulties which have arisen?—Quite.

What do you say as to that?—It is very unfortunate; that is all I can say.

Did you intend, or did you in fact do any harm or hurt to the man that you picked up as a passenger?—I have never done what I consider any harm to any one.

Do you know exactly just what happened that night?—Not in the car; no.

Cross-examined by Mr. NORMAN BIRKETT—Rouse, when you told my learned friend that the lies you had told in Wales were unfortunate, what did you mean?—Well, I think that it is always best—I have always been noted for telling the truth the whole of my life; I am not used to telling lies. At the time I thought it was the best thing to do.

Why? Why was lying better than telling the truth?—Because there are many members of the family, for one thing, and I

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should have to tell the story over and over again, and I did not like to tell it with ladies present.

Why tell it at all, if you told a lie?—I was asked where my car was.

You think it was unfortunate that you should tell lies in Wales?—It turned out to be subsequently, now, perhaps against me.

What do you mean when you say that it has turned out against you?—People seem to think I did tell lies, and I admit I did tell lies. My name has been clear up to now of lies.

Do you think an innocent man might have told the truth?—Yes, no doubt, to your way of thinking.

No; I merely want the fact?—I think I did the best possible thing under the circumstances.

Still, do you?—Yes.

Still?—If I had given a long explanation to them they would have kept on asking me questions about it and it would have been very unpleasant for them.

Is it the fact that to all the people whom you saw, from 2 o'clock on the morning of the 6th to 9.30 on the evening of the 7th, you never told a word of the truth to any one of them?—I do not know what you mean by a word of the truth. I had lost the car, and I intended to go down there.

I shall ask you in detail about it; but when at 9.30 p.m. on the evening of the 7th you were stopped by Detective-Sergeant Skelly in Hammersmith Bridge Road, there was a matter of 43½ hours which had passed since this dreadful thing happened. Is that right?—I will take it that that is correct.

You had had time to think?—Yes; I had been thinking about it the whole time.

You went to Wales to have time to think, did you not?—No; I went to Wales with the intention of seeing Miss Jenkins there.

Did you not say in your statement, which is Exhibit No. 33, "After I purchased the hat I decided to leave London so as to think things over, and went to Wales"?—No doubt I thought things over. One's mind is not a blank in the whole of a journey at any time.

You had had time to think. That is clear?—Obviously. My mind is not a blank always.

Since the *Daily Sketch*, which is Exhibit No. 21, had been shown you by that young girl Phillis Jenkins, roughly over twelve hours had elapsed between that time and the time when Detective-Sergeant Skelly spoke to you?—I had slept in the meantime.

Did you sleep?—I presume I slept a little.

A peaceful mind?—I had nothing of wrong on my conscience.

You had had the whole day's journey from Wales with the

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knowledge that that car and your name were in the public print, had you not?—Obviously.

Did you think what answer you would make?—No, I did not think at all. I was going to tell the truth.

Did you think this lengthy and complicated thing: that you could not tell the truth to everybody to whom you had spoken, but that you would tell the truth when you got back?—Do you mean taking that action?

You have told me one of the reasons why you did not speak the truth. It was rather a lengthy matter and wanted going into. That is one of the reasons why you did not tell the truth in Wales?—Exactly.

On that lengthy matter, did you not ever think over what you would say when you told the police?—Yes, I thought I would say the truth.

You had thought on the journey back?—The truth. I did not know of all the complications, and that sort of thing. I thought of the truth.

Will you tell me the answer to this question. On that long day of the 7th, with the knowledge that your blazing car and your name and your address were in the public papers, did you think of the explanation which you would make during that day?—You are inferring that I tried to make up a story. Is that it? Say “yes,” and I will answer it.

Did you think over the events as to what you would say to the police?—No, I did not.

Were you surprised when you were called down from your seat in the coach?—Well, I was, a little bit. I suppose in a way I expected to go there, but I had nothing to hide.

Expected to go where?—When Skelly was—

Do please address your mind to the question. Were you surprised when the police asked you to get out of the coach?—Well, I was, in a way; yes.

You knew what they wanted?—It was obvious in the papers that they wanted me, and I was going down to see them.

Did you say in your first words: “I am glad it is all over”?—Most decidedly, I did say words to that effect: I am very glad; well, I can make a statement now. I had made so many small excuses about the whole thing, or told so many lies—

Did you say: “I am glad it is all over”?—I do not remember the exact words, no; but I said words to that effect.

You had had abundant opportunities to get it over at Cardiff at the police station twelve hours before?—You mean going to a police station?

There was a police station 41 yards from you, facing you?—You think I know Cardiff, but I did not. If I had seen it I should not have gone in. My reason is that I have very little confidence in local police stations.

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Of course you knew that in a place like Cardiff there was a police headquarters?—No, I do not, and I do not think there are. There is one policeman only in the village.

In Cardiff, I put to you?—I do not know about Cardiff.

You are not saying to the jury that you did not know that in a place like Cardiff there would be a big police station?—I wanted to get to London; that is all. I had made arrangements to get to London, and I wanted to get there for Saturday and Sunday.

If you wanted to get it over—that is, an explanation of how innocent the whole thing was—there was a police station in Cardiff?—Yes, there was.

But you would not have gone to the provincial police because you do not trust provincial police?—If you want my candid opinion, I have not much faith in them. I was going to the fountain-head. One usually goes to the fountain-head if one wants things done properly.

Did you say in your opening words to Detective-Sergeant Skelly, "I am responsible"?—I told you what I thought I said. I do not remember the exact words: I said words to that effect.

If Sergeant Skelly says that upon that night you said, "I am glad it is all over, I am responsible," you do not deny that you said it?—Very likely I did.

But you were not?—Yes, it was my car.

"I am responsible." You were not, as I understand your answers here to-day, responsible in the smallest degree?—In the police eyes the owner of the car is responsible for anything that happens to that car. Correct me if I am wrong; but I have always been told so.

Responsible for the death in his car of a man with which he really had nothing whatever to do?—I was not referring to the burning of the man. I was not sure that the man was in the car.

Forty-three and a half hours after the event, why should not you say: "I am glad it is all over; I can give you a perfect explanation, and I want to do it"?—You have had time to think of those words.

So had you?—No doubt; but I am not an orator. I say what was in my heart or mind at the time.

It does not need any oratory to say those simple words: "I have come because I can explain it all," which need no oratory?—You use different words to me; that is all.

"I am responsible" were the words which you said. Did you say later on: "I felt I was responsible for what had happened"?—Yes.

But you were not, in the smallest degree?—I feel even now that I am responsible.



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Let us see what the degree of responsibility was?—Thinking it over, I will tell you. I handed the man a cigar. I asked him to fill up my car with petrol. I did not know whether he was capable of doing that, filling it with petrol.

Why did you let him do it?—I asked him because I thought that he could do something. He had been riding in the car all the time; I was doing a kind action in giving him a lift on the road in the car, and I thought he might do something in return, so I asked him to do it. Quite frankly, he volunteered himself; I think quite frankly he did; I am not certain.

Do I understand you to say that the degree of responsibility was in allowing your passenger to fill the tank without knowing whether he was capable of filling the tank?—There are often small boys at filling stations who fill the tanks, and I felt that he would be capable.

Is that all you mean?—Yes.

And all you mean about your responsibility?—Exactly.

You never did anything to try and help when the car was burning?—I could not see if he was there, for one thing.

Do you swear that?—I swear that.

Did you say, in the very first explanation that you made, "I saw the man was inside and tried to open the door"?—I cannot say that; I do not remember saying it.

Detective-Sergeant Skelly in this Court gave evidence, and it was not cross-examined on, that you said right at the outset: "I pulled my trousers up quickly and ran towards the car, which was in flames. I saw the man was inside and tried to open the door, but I could not, as the car was then a mass of flames. I then began to tremble violently. I was all of a shake." Was that true?—I did not go within several feet of the fire. I went towards the opening of the door.

Was that true?—No, it was not true exactly; it was not true at all. I did not see the man.

It was not true at all?—I did not say those words. I went towards the car to get the man, to help him.

"I saw the man was inside and tried to open the door." Was that one of the first things you said?—If you will think for a moment you must remember that the flames were 17 feet high, and how one can see through a mass of flames—

By Mr. JUSTICE TALBOT—You are on your trial, and will be given every latitude, but you must answer questions which are put to you?—I want to answer.

*Cross-examination continued*—Did you in the first explanation that you made to Detective-Sergeant Skelly on this point say: "I saw the man was inside and tried to open the door"?—I do not remember saying those words, and I do not think I did.

Did you say, when you made your statement which was written

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down: "I could not see inside the car for the flames; the doors were both shut"?—Yes.

Which was true?—The latter one, naturally, because it was true. No one could see through a mass of flames 17 feet high; at least, as far as I know you could not.

Did you say here to-day: "I could not approach the car within several feet"?—Three or four, four or five feet, without getting singed all over, of course.

How do you explain the evidence of Detective-Sergeant Skelly when he says that you said, "I saw the man inside and tried to open the door"?—I do not know. I can only infer that it was told since; it was some time after, and I was talking the whole time; he made no note until the time afterwards, and you are not going to tell me from the length of that statement—

By Mr. JUSTICE TALBOT—You need not argue; it is enough for you to say that you did not say it?—I do not think I did.

*Cross-examination continued*—It is quite clear that the evidence that you desire to put before the jury is that you did nothing to help the man because you were unable to help him?—Exactly.

Is that quite clear?—Exactly.

So you did not see the position of the body in the car?—No.

You heard it described here the other day?—Yes.

You now say that you did not see the man inside?—No. As far as I remember, I did not see it. I am only telling you what I remember now.

This was a horror?—Yes, exactly. In any case I am certain that I did not see the man inside.

The recollections of the horror, when you tried to give the narrative this morning, made you rather break down?—Exactly.

It was the recollection of the horror?—Exactly.

Imprinted upon your mind so that it would never go away?—Yes.

Do you say that you cannot tell the members of the jury whether upon that dreadful night you saw whether the man was inside the car or not?—I did not see the man at all.

Let me ask you a question or two about the man?—May I remind you that the flames were 17 feet high and you could not see?

I am coming in some detail, in its proper place, to the car; but let me ask you a question or two about this man. His name you do not know?—No, I do not know now.

You never asked it?—No. One does not ask a passenger's name and address, and all that sort of thing.

You did not ask him?—No.

Where he lived?—No.

You never asked that?—No. I gathered from his conversation that he was travelling about.

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I will ask you about the conversation. It was a strange encounter, was it not?—No, not at all. Many and many a time I have picked them up; I have been picked up myself.

Nine o'clock at night, you think?—About that time.

Some little distance past Tally Ho Corner?—Yes.

Had he any luggage?—No.

Nothing?—Nothing at all.

No handbag?—No. One would not expect it in a man of that description.

But going to an unknown destination up north?—Somewhere up there.

Did you not ask which town?—No.

Why not?—I do not ask a man his business. He said, "Which way are you going?" I said, "North." He said: "That is all right; take me part of the way."

Did not you ever ask, "What town am I to take you through?"—No, I did not. I do not think he knew where to go. He wanted to get to the Midlands. He was out of employment; he told me that.

What kind of employment had he?—He had not told me what he had previously done. He spoke as though he wanted to get anything.

Did you not say, "What kind of job do you want?"—I think I did, and he suggested that he would take anything.

Did you say, "What have you been doing?"—I do not remember saying that.

You never asked him the town to which he wanted to go?—No, because he inferred to me by his conversation that anywhere would do, providing it was a big town in the Midlands, Birmingham or Manchester, or anything like that.

He had no luggage?—No. I was very surprised to see him.

What was he to do without his pyjamas or nightshirt when he got to his destination?—I do not think he had one. I do not suppose he had worn one for many days; I think he was too poor. He gave me the impression that he was travelling from place to place.

You do not mean a tramp on the roadside?—It all depends what you mean by a "tramp." He was a man who had not a definite home. You may call that a tramp, but he was not dressed so very shabbily; he was poorly dressed, but respectable.

No luggage?—No luggage at all.

As far as you could judge, he did not appear to have any?—Exactly.

A homeless man?—He did not say that he had not a home. He gave me the impression that he was travelling to a place where he could sleep.

But no money to go from place to place?—I did not ask him how much money he had in the car. When you give a person

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like that a ride in a car you are told more often than not what is called a sob tale, and usually fork out a shilling or so. That is what I usually do if the case is deserving.

Surely that was most unusual?—No, I have done it many times.

Do you often give men lifts in cars?—Yes, and glad of it, to keep me awake, especially at night.

As far as you could judge from his appearance and conversation he was a homeless man?—No, I would not say that exactly. I do not know whether he had a home or not.

You never inquired?—I did not inquire.

But he gave you the impression that he tramped from place to place?—Yes, trying to get work where he could.

And he was at that moment tramping in search of work?—Yes. He might have left a job two days previously, for all I know.

But tramping from London to the north?—He inferred that he did not do tramping on his feet. He said he had been riding from town to town, and he told me he had been riding some time previously in the eastern counties.

How?—Mostly on lorries. He said he had been in very few private cars.

Getting lifts?—Getting lifts.

He had no luggage?—No.

Nothing of the kind; but he was clean shaven?—Yes.

But he had no razor?—I do not know whether he had a razor; he might have had it in his pocket.

He had no luggage at all?—Nothing at all. I think one sees a good many of those people walking along the road.

Did he say when he had his last meal?—I do not remember that at all.

He was with you, upon your testimony, for some five hours?—Yes. We will say five hours; I am not certain.

Did he have any food in that time, or drink?—No.

Did he get out of the car to relieve himself?—Not at all.

Nothing?—Nothing at all. I did not ask if he was hungry, because I thought he had money if he had money for drink. I was sorry he was in the car after a time.

Why did you not tell him to get out?—Get out?

Certainly?—When I smelt his breath of drink?

You said that his breath smelt of drink and you wished that you had not asked him in. Why did not you tell him to get out?—Well, I was glad of his company in any case. If he was drunk I should have asked him to get out; I should have insisted on him getting out. His breath smelt of drink.

Did not you tell my lord and the jury that he talked of subjects in which you were not interested, and that you were not interested in the man then?—Not interested to remember.

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You said, "I wished I had not asked him in; he spoke of subjects in which I was not interested; I was not interested in him then"?—He was company, nevertheless. It is quite a different thing at that time of night, or any time of the night, to have company in the car. It tends to keep one awake. That has been my impression anyhow.

You kept a man in the car that you were not interested in, that you wished you had not asked to get in?—Afterwards.

Merely because he was company?—Yes.

Are you accustomed to drive at night?—I often drive at night, yes.

Why did you drive through the night on this night?—Well, for one thing to get up to Leicester is quite a good journey.

Why did you go through the night?—I am just explaining. Before, when I have been up to Leicester, I have ridden through the night, started a little later than I started that night, but when previously I had started at 3 to 5 o'clock in the morning I have usually arrived there rather tired and very often late, and the man I went to see has perhaps come in and gone out again, and I want to get there before anybody came. So I wanted to get there about 8.30. As a matter of fact I intended to have breakfast at Leicester, and, if I started fairly early in the evening or fairly early at night, I expected to have a little sleep on the road. I did not intend to sleep near Northampton; I did not know where, naturally; but I thought that probably I could have a sleep for an hour or so and get into Leicester, do my business, and make my call.

Your business in Leicester on the 6th would have done at any time during the day?—No.

Your cheque for wages—that was one thing?—Yes.

The principal thing was money?—The principal thing I was going up for was money.

You could have got money there at any time during the day?—You know more about the firm than I do then.

Was that not the reason you gave to my lord and the jury, that the principal reason was money?—Yes.

Could you have got that money at any time during the day?—No. It has to be sanctioned by the head of the firm.

Does it take them a day to do it?—No, but they have to be there to do it.

Supposing you had gone in at 12 o'clock in the morning, could it have been done?—If they had been there to. I do not know; I do not know whether they would object.

If you had arrived there at 12 o'clock do you think there would have been any difficulty?—I have been there before and been too late, and that is why I went.

Is the reason which you put before my lord and the jury for travelling in the night that you wanted to be at Leicester to

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go to your firm for money?—You see, the principal would always arrive early in the morning.

For money?—For money.

It could have been done by letter?—A letter takes time, and, if you remember the evidence of the secretary of the firm, I had been up there previously; I had had a conversation with him, which perhaps he does not remember, and other members of the firm, about money, and they worked out what commission was due and made it, actually on goods delivered, to be £17. I understood when I left that they were going to send me on a cheque for more than £10, probably perhaps £12 or £14; I actually understood between £10 or £12. That was on account. A few days after I received a cheque for £7. Correct me if I am wrong. Is that correct?

Please continue?—I think it was £7. I was very dissatisfied. I thought they ought to have sent me more, and I was on the journey up there to get more.

You travelled through the night in order to get there in good time to see the head of the firm to get money?—Yes.

That was the only reason?—Exactly. While I was there I might have talked about other business, of course.

Yes, but that was the urgent reason?—That is the urgent reason for which I went there.

Have you ever done it before?—To get money.

In the night?—Once before; twice before.

When?—I cannot give the dates; I cannot remember.

Did you go this road?—I cannot remember. There is more than one road. I usually went one road and came back another. If I went by the Bedford Road I would come back by the Northampton Road.

How long have you been a motorist?—A number of years.

Do you know a main road when you see it?—Main roads are usually of various types.

Do you know a side road when you see it?—Exactly. I should call the road from London to Northampton as not being strictly a main road.

Have you travelled it twice before in the night?—I should not like to say definitely as to that.

Have you been to Leicester twice in the night?—Yes.

Which route did you go by then?—I do not remember; I cannot tell you.

You are a commercial traveller?—I am a commercial traveller.

Travelling the south coast?—All over the south coast.

Travelling in the car every day?—Roughly every day.

Travelling in the course of your career hundreds and thousands of miles?—Exactly.

I suppose there is not much about a car that you do not

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know?—I cannot say that. I know a good deal about a car. I am reckoned a fairly good driver, if that is what you mean.

Your experience has taught you what are good roads, main roads, and signposts, and that sort of thing?—Yes, I think so.

Still on this matter of travelling in the night we have this. The man appears to be a homeless, unemployed man?—Not by appearance; he inferred that when he got into the car; he told me he was out of work.

He had a country accent?—Yes.

Do you mean it was an uncultivated speech? What do you mean?—He certainly had a country accent, or we will say an accent not of London; but he was far from being what I would call an educated man.

He was far from being an educated man?—He had had an ordinary education, and never troubled anything about it, I should think.

Did you ask him anything about that?—I should say he could read and write.

Do you know whether he could?—No.

Are you sure?—No; I am not sure.

There is a doubt as to whether he could read or write?—I do not know. I did not ask him whether he could read and write.

I am asking you this question with a very definite purpose, and I want you to consider that and answer that?—Yes.

Is there a doubt that the man whom you picked up that night could read and write?—I think he could do that.

But his speech aside, he was not an educated man?—There are degrees of education.

Did you never ask him at all: "What countryman are you?"—I do not remember asking him.

What kind of subjects did he speak about, in which you were not interested?—I do not remember exactly. He spoke mostly about getting lifts on different cars. One question I do remember asking was whether he had ridden in private cars.

What did he say?—Very few.

Then when he did ride in a private car, it was when he got a lift?—Exactly.

That is the type of man he was?—Exactly.

No belongings, no food, and never asked for any?—What do you mean, no food? He had no food.

Since he was with you?—No, nor had I, since I met him.

Nor did you suggest it?—No.

He had nothing to smoke of his own?—Yes, he did.

Did not you give him all the cigarettes?—No. I believe he had one alight when I met him.

Do you remember the brand of it?—No.

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He had one cigarette alight when you met him. Did he have any more?—I cannot remember him having any more. He did not offer me one at all.

That is all you can say about him?—That is all I can say about him.

You think he was about 5 feet 8?—I do not know his height—about the same height as myself.

And not quite so robust as you are?—Yes.

Healthy looking?—Yes. He did not complain of any illness. He was of ordinary face; I could not describe his face to you.

But healthy looking?—Yes, quite healthy.

I suppose you did talk with him for the five hours you were with him on all sorts of matters?—No. I do not talk a great deal in the car, because I usually concentrate my attention on the road, especially as I was using my small lights.

You knew that he did not appear to have a regular home, and he went from place to place?—Yes. He said he had been travelling on lorries looking for work.

You realised that he had no belongings of his own?—Exactly.

And, in a word, he was a tramp, was he not?—It is according to what you mean. He tramped, yes; but you can go for a country holiday and say that you have tramped.

I am putting to you on the facts that you can say that he was a tramp without visible means of subsistence?—Yes, exactly; I will admit that. I should not very likely have stopped, only he asked me to stop, and I stopped. I did not examine him thoroughly.

Did you not gather that, as far as you could judge from the conversation with him, he did not seem to have any connection with anybody else; he was a homeless drifter?—I dare say he had connections; I do not know whether he had connections.

You picked him up in the night. Picking a man up, tramping up north, surely you asked him?—I did not wish to be inquisitive. He started to say where he had been on a lorry here and a lorry there, and that is all he could say.

Judging from what you said and from what he said, was he the type of man whose disappearance would not cause much stir in the world?—I was not to know that.

I am asking this on the information that you had: homeless, tramping from place to place, no fixed place of abode, no visible means of subsistence. Was he that type of man whose death would not cause much stir in the world?—I could not say that much. He might have a home in the Midlands or an appointment in a week's time.

You never asked him?—No, I never asked him. His home might have been in London. He might have had a wife, or relations; he did not say.



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That was the man?—One thing I will tell you that he did say to me, that he had at some remote period had trouble with the police. He did tell me that; that was just after we left St. Albans.

For what?—He did not say. I did not ask him, as a matter of fact.

I gather that you did not like this man in your car right from the outset?—I do not say dislike. I do not like drink, and I do not drink myself, and therefore to most people who do not drink, anybody's breath smelling of drink is not very pleasant.

You wished that you had not given him a lift?—Yes, in a way. I was quite content in the car; talking is better than nothing in the car.

In your statement you said that you took your case out of the car when you went down to relieve yourself?—Yes.

Because you saw this man's hand upon your case?—No. I did not say I deliberately saw his hand; but I thought I saw his hand on the case.

Listen to this. This is what Detective-Sergeant Skelly said to you: "I see you have your case now. Did you rescue it from the car?" You said: "No. Owing to the fact that I had seen the man's hand on the case when it was in the back of the car, I took it with me when I got out of the car and went along the road. I did not want him to take it"—That is quite so. I should not leave my case with a stranger in a car; I had too much stuff in it.

You were sorry that you had invited him, and now you tell me that he had had some trouble with the police?—I did not inquire what it was. I think it was after the constable was going away, after he had spoken to us, that he said: "They are always inquiring after something or other," and I might have said: "Especially motorists." He said something like: "If they once get hold of you they never let you alone." He hinted that he had had something to do with the police; I do not say he had been in trouble; that might be unfair.

You did not ask him?—No.

You did not trust him?—No. I should not trust any one I did not know in my car, to be quite frank.

Why did you leave him in the car with the petrol when you went two or three hundred yards away?—There was nothing he could take.

The car?—He inferred that he could not drive the car.

Mr. JUSTICE TALBOT—It would not influence his conduct much even if he had. If he was a thief, that is exactly what he would have said.

The WITNESS—If he had said that he could have driven, I doubt whether I should have done any different acts.

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*Cross-examination continued*—You left him in charge of the car?—Yes, because I wanted to relieve myself. Naturally I took my case with me. I put that as the first consideration.

Had you any confidence or trust, or was that all due to hostility? You said: "I wished I had not invited him. I took my case down the road because I did not trust him"?—I had no hostility. At the same time I did not wish that I should lay myself open to having my things taken.

You did not have much regard for him?—One would not, for a man on the road; especially having a case with a lot of stuff in it.

You kept him with you all that time, and he did die in your car?—I understand he did.

You know he did?—I am told from the evidence that he did.

And he had been in that car of yours for five hours?—Yes.

And you were not able to lift a finger to help him?—No, I was not.

I want to ask you a word or two about certain matters. You were in the City Road about 8 o'clock on the 5th of November?—Yes.

And then you went home to 14 Buxted Road?—Soon afterwards, yes.

How far is that from Tally Ho Corner?—I do not know the distance.

You went to 14 Buxted Road after leaving City Road somewhere about 8, and you left your own home at 9 o'clock?—I left Old Street at about 8 o'clock.

What time did you leave home to go on this journey?—I should say about 9, or thereabouts. I did not see the clock, so I cannot say.

Which suit had you got on?—A brown suit.

How many suits have you—several?—More than one.

Do you keep them at home?—Yes.

How many hats have you? Several?—I have only one hat that I use for outdoor purposes. There is one hat that I use for the garage and one cap that I have had in use for a long time; but I only use one hat in the ordinary course, a big Stetson hat, a very noticeable hat indeed.

In your statement you say that you had a bag, or bags. What did you take with you?—A bag.

What had you in it—shirts?—Yes, and two or three other things.

May we take it that the bag contained ordinary things for a man staying away from home for a night?—Two or three nights.

And other things which you took about?—Yes.

So you went upon this night journey to Leicester. When did you make up your mind to take this journey?—I cannot remember.

Was it a sudden decision?—No; I do not think it was sudden.

# Alfred Arthur Rouse.

Alfred A. Rouse

I think I intended to go, if not that day, the following day. I cannot remember; I do not think I had better say.

You had not written to Leicester to say: "I will be there"?—No.

So far as they were concerned it would be quite unexpected?—Yes; but they knew that I used to pop up any odd time sometimes.

The heads of the firm whom it was so necessary for you to see might have been away?—Yes; that is true. I had been up there many times and they had been away.

Did you go past Tally Ho Corner driving from your home?—Yes.

About half a mile further on you had the meeting with this man?—Yes.

What time would that be?—A few minutes after leaving home.

Somewhere about a quarter past nine?—Yes; I think a little later than that.

From there to where Police Constable Lilley stopped you, the White Flag Tearooms at Markyate, is that twenty miles?—Yes, I will take it that it is so; I do not know.

You were there, according to the evidence of the constable, at 11.15—two hours?—Yes, but I think it must have been later.

Were you driving continuously?—Yes, but I was going quite slowly.

You told us to-day that when going twenty miles an hour you went very slowly, and you ordinarily go much faster?—Yes.

I am putting it to you that a twenty-mile journey which takes two hours is absurd?—I do not admit it took two hours.

What time did you start?—I do not know. I did not see a clock.

We have the evidence of Nellie Tucker that you left there at about 8 o'clock?—Yes.

You went straight home from there?—Yes.

How long did it take you?—At the quickest, I should do it in half an hour.

Call it 8.30?—That is the very earliest.

What did you do at home?—My wife was not at home and I had to wait.

How long was it before she came?—A quarter of an hour or more, now I have thought of things.

Can you tell us how long you were in your home?—Long enough to boil a kettle and prepare a meal.

What kind of meal—tea?—Tea, bread and butter, and a plate of ham, I think.

Would half an hour be enough to cover it?—About half an hour.

That would be making it about 9 o'clock again?—No; later than that.

# Evidence for Defence.

Alfred A. Rouse

Do you carry a watch?—No, never; I have not one.

Are you able to assist the jury, now that I have put to you the fact that upon the statement which you gave in chief you have to account for a twenty-miles journey and two hours to take on it?—I had not prepared my statement at all when I gave it. I did not know the exact time; so I had not prepared it. If I had prepared it, I should not have given that time.

This does not depend upon the statement. I am putting the evidence. Lilley says that at 11.15 he stopped you and flashed the light into the car. That was 11.15 at Markyate?—Yes.

That is twenty miles from Tally Ho Corner. You said it was about 9 o'clock when you left?—After 9, and not before 9.

What did you do? You drove continuously?—I did not stop the car, but I drove very slowly because I did not have the headlights on.

You did not stop anywhere?—I did not stop anywhere.

Except, of course, to pick up the man?—That was only a moment, or a few minutes, or something like that.

You realise, do you not, that the constable says—and I want to clear this out of the way—that at 11.15 your car stopped, and in a few moments he was alongside you?—According to his evidence.

You in your statement, on the contrary, say that you felt sleepy and went to the side of the road?—When one sleeps one does not wake up to find that one wants to sleep.

What did you stop for?—To have a sleep.

You did not do that?—No, I was sleepy.

According to the evidence, the constable was up to you in a short time?—May I remind you that the constable goes seeking for a long time and——

There it is?—Yes; that is it.

Police Constable Lilley was the only other man who has been in this Court who saw the dead man?—Yes.

Did he speak to the constable?—He had no cause to speak to him.

You spoke to the man afterwards?—Yes.

Had he his hat on then?—I do not remember.

What kind of hat was it?—A trilby; a soft hat.

You talked to him after that and asked what he had been doing with the lights?—Yes, the constable standing beside me.

You never thought of telling him to get out?—I had had a bad smash and nearly got killed a fortnight before, and I was glad of company to keep me awake.

That was the reason, was it?—Yes.

Was it safe for you to go to sleep with the man in that car that you did not trust, and your bag?—I trusted that I would wake up if he started to interfere with things.

# Alfred Arthur Rouse.

Alfred A. Rouse

You would not leave your case on the road shortly before the car caught fire, because his hand was on it and you did not want him to take it. You did not think it safe to go to sleep and leave your bag with these things in, with the homeless man who had nothing?—I did not think so. For one thing, I remember that when I took the case away I wanted what was in it to assist me. That is perhaps another cause why I took my case.

Is it?—It is certainly another cause, yes.

I will come to that in its proper place. You then went beyond Markyate to Hardingstone, which is about 33 or 34 miles. My learned friend says it is about 37 miles. I do not mind?—Yes, I agree with that.

You reached there about ten minutes to two in the morning?—Yes, I will take it it is so.

What caused you to turn off that lane? Look at the Ordnance map. Do you understand the map?—Yes. I understand map reading. I use a map in my journeys.

This (pointing) is the road you came, from Newport Pagnell, along by the woods to Northampton. This is the turning to Hardingstone?—Yes.

Do you agree with me that it is practically a right-angled corner?—According to this map it is a right-angled corner.

You know it upon the road, do you not?—I do not know it, no.

Has it a mere fingerpost of sorts, with "To Hardingstone" upon it?—I do not remember seeing it, but if I did I do not think I should have noticed it much.

It was a perfectly bright moonlight night?—Yes.

Is it your case that you took the turning to the right up there because you needed it to lead to this junction?—Yes, I took a wrong turning.

I want that quite clear, that where the Stony Stratford Road and the Newport Pagnell Road join, you mistook the right-angled turning to Hardingstone for that? Is that what you say?—I should like at some time to see a little larger map.

Do I understand that you turned by inadvertence, believing you were still on the main road?—Very likely. I might have followed a car round there.

To make sure that I understand, you did that by accident?—Quite.

By accident, believing it was the main road, you turned up that lane to Hardingstone, never noticing the signpost?—Quite. May I point out also that on the journey from London to St. Albans there are more than one, and anyhow I particularly remember one right-hand turning that looks certainly not a main road, and the continuation of the road, certainly to a man right on the right-hand bend, certainly if an ordinary motorist, does not look like a main road. There is a place called Hock-

# Evidence for Defence.

Alfred A. Rouse

cliffe mentioned in the evidence. That is the place particularly where there is a right-hand bend in the road, and many times, intending to go to Leicester, I have taken that road and it has been quite a different road to Leicester or Northampton than the other way.

Is that junction up the lane 30 miles before?—It is some distance.

Is it at least 30 miles?—Yes, but I am not positive.

By Mr. JUSTICE TALBOT—I understand you to say that you took this lane to Hardingstone and then there was a main road junction?—Yes.

*Cross-examination continued*—You did not even notice that there was a signpost there at all?—I do not remember seeing a signpost.

And certainly you never read one?—No, I do not think I ever read it. For one thing I had not my headlights on.

When you got to the village you realised that you had taken a wrong turning?—Yes. I did not recognise the village.

You said so to your companion?—Yes.

You knew at once, when you got to the village, that you were on a wrong road?—Yes, I did. At least I thought I was. I did not recognise the place.

You turned round through the village and came back to the main road?—Going through the village I saw a memorial—I do not know what it is, to be quite frank; it may be a pump—can I say a memorial?

Yes?—By the time I had seen that I had passed the angle, but I noticed on the other side it was like a circus, so I took the other side and turned to the left, because then I remembered that I should perhaps have gone to the road to the left. I remember turning off then.

Was it with the desire to get back to the main road that you came through the village in that way?—Yes.

When you got 159 yards through the village you brought the car to rest?—Yes.

In the ordinary way?—Yes.

Shut off the engine?—Yes.

Put on the hand-brake?—I can say I did those things because I always do.

Automatically?—Automatically.

You brought the car to rest, shut off the engine, put on the hand-brake, and put the car into second gear?—I do not say second gear. I always put it in the forward position.

Do you say that you put it in the forward gear that night?—It is common practice for me to always leave my car in gear with the brakes on.

I ask you whether you left it in second gear, which would be

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a forward gear on the Morris Minor?—If you mean any special position, no; but forward gear, it may be even reverse gear.

A second may be equal with a reverse gear in a forward position on the Morris Minor?—Exactly.

I am putting it to you, upon the evidence of the gearbox as found, that it was in second gear?—I did not intend to put it into second. I intended to put it into reverse.

Your passenger knew nothing about cars?—I do not know about that.

He said he had not practically been in private cars?—He had been in lorries. He said a few private cars.

You were content to leave him there before he told you that he could not drive a car?—Yes.

Evidence has been given as to the car being in second gear. You do not dispute that?—No, I cannot, because I have not seen the car.

You drew up at the side of the road, shut off the engine, put the hand-brake on, and left it in second gear?—I cannot say, because I have not seen the car since.

You brought the car to an ordinary standstill on the near-side of the road?—Yes.

Do I understand you to say that just shortly before that, after you had passed through the village, your companion said, "This would be a fine place for your sleep"?—Words to that effect.

After you had got through the village?—Yes.

You would notice that all the village was asleep?—No, I did not notice that. It was fairly deserted. I did not see anybody.

There was no sign of life anywhere?—I do not recollect seeing any.

And then he suddenly said that?—He did.

What did you say? "It is a fine place"?—I think he said it because of the wide grass verge there.

What did you say, "Yes, it is"?—Yes.

Was it for the purpose of going to sleep that you drew the car up?—Yes.

There is no question about that?—No.

But you never did sleep?—No.

And made no attempt to?—I could not; the car was burnt.

But you made no attempt to?—No, because I felt I wanted to relieve myself.

You drew up the car intending to sleep?—Yes.

And the moment the car stopped you felt you wanted to evacuate?—Yes, I was going to compose myself to sleep and I did not feel comfortable.

Your passenger was by your side?—Yes.

Had he been there all the time?—Yes.

Did he never stretch his legs anywhere?—He had been rather fidgety, I should say.

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Why did you emphasise the fact that he was fidgety—fidgety with his feet?—Well, with his feet and arms. It seemed to me perhaps that the seat was not big enough for him. He seemed to want to stretch his legs out too much and put his arms behind the seat.

Did you say anything to him about his feet?—No, but I have a recollection of pushing his knee away from me.

But did you say anything to him about it?—No, I cannot remember doing so.

Did you think he might kick the petrol joint?—I did not think about the petrol joint.

Had he got out of the car at any time?—No, not at all.

He had been sitting there in that rather cramped position?—No. With all due respect to the Morris Minor, the seats are adjustable, but you cannot stretch your legs out fully.

He had been sitting there all the time and had never got out? Did he get out at all when the car stopped?—No, I cannot be sure because I had my back to the car.

Do you swear that?—Absolutely.

You alone got out?—Yes.

Out of the off-side door?—Yes.

Did you close it?—When I got out at first I did not close the door. I got my bag and I was going to walk away with it, and then I put my bag through on the seat, and made up my mind to look at the petrol.

Let me get this clear. You were not in doubt whether you had closed the door out of which you got?—When I left the car finally.

You got out of the car from the off-side door?—Yes.

What did you do then?—I opened the door and I reached for my bag, went over the back of the seat and got my bag, and before I left the car—before I closed the door, I will put it that way—I thought I would look at my petrol.

Then you got your bag out at once after you got out of the car?—As far as I know. I may have got the petrol can out first. I got them both out about the same time, off the seat in the car.

Did you get your bag from the back seat out of the car?—Yes.

You got the petrol can from the back seat out of the car?—Yes, I am rather inclined to think that I got the bag first, to be quite candid with you.

Because you dare not leave it with the man, whose hand had been upon it?—No; surely anybody does not—

By Mr. JUSTICE TALBOT—You need not argue?—No. I had another reason for taking that bag out.

I understand that there was something you wanted for your purpose inside it?—Yes.



# Alfred Arthur Rouse.

Alfred A. Rouse

*Cross-examination continued*—Then when you got out of the car on to the road with the petrol can, you opened it?—Yes.

You opened the petrol tin with the mallet handle?—Yes.

We cannot have the mallet, but if this is the handle, you say there are some marks on the handle where you had previously used it for twisting the cap?—I do not say previously. I may have made them then.

Did you use the mallet that night for opening the tin?—I cannot recall or visualise my handling the mallet to open the can, but it is the only thing in the car I can possibly have opened the can with.

You said, "As the passenger was seated in the car, I remembered the mallet in the back of the car. I have no doubt I used the handle of the mallet"—Yes.

Had you any doubt?—I had no doubt, but it is three months ago; what I am saying is that I cannot visualise myself using it, but if I did say it, then I believe I did use it.

You are the only person who can tell us how the petrol can was opened?—Yes.

Your passenger is dead?—Yes.

Do you tell the jury that you do not recollect on so important a matter as a fire from petrol, whether you opened the can yourself that night with the mallet handle?—I do not remember every motion of my hands or feet that evening.

Did you say "I took the cap entirely off"?—Yes, I am certain about that.

And "I replaced it about a thread or so"?—Yes.

You are quite clear on that?—Yes, quite certain.

May the jury take it that you took the cap off the can?—Yes. Entirely?—Yes.

Was the passenger in the car then?—Yes.

Had he never said he wanted to stretch himself?—No. If he did, I do not remember him saying it.

If the door had been opened on that side, the camber of the road would have set it wide open?—Yes.

And there he could have stepped out quite easily?—Yes.

But you say he never did?—No, he did not.

He had been sitting with you, to your knowledge, for something like about five hours and had not relieved himself at all during that time?—No; I do not say five hours. I will leave it to you about the five hours; I do not know the time, but however long he had been in the car he had not got out.

The mallet was outside the car that night. You took it out on to the road?—It was outside at some period.

You took it out?—I presume I must have done. I do not actually remember taking it out.

You took the petrol can on the road, put it between your legs, and unscrewed the cap?—Yes.

# Evidence for Defence.

Alfred A. Rouse

The man was inside the car?—Yes.

How far from the car was it that you did that?—A few inches. I think I should be actually about almost level with the edge of the door.

When you had unscrewed the cap, what did you do with the mallet?—I do not remember.

You know where it was found?—I was told where it was found.

Fourteen yards in front of the car and about a foot on the grass verge? Somebody must have carried it there?—I do not know, do I?

I want you to think?—I did not put the mallet on the grass there, if that is what you mean.

Then who did?—I do not know.

Your passenger never got out of the car?—That is right.

Then how did the mallet get there?—I do not know.

Did you take the petrol can some little distance from the car to open it?—There was no need to do that. I did not.

Did you give any instructions to the man about filling your tank—how to act?—No, I did everything and prepared it for him for that very reason.

There was not much more that was needed except to pour the petrol into the tank?—If I had not undone the bonnet and fastened it down again, it is possible he may not have known how to undo it.

May the jury take it that your evidence is that you unclipped the bonnet?—Yes.

Took the cap off the tank?—Yes, because it was a patent catch. Looked into it?—Yes.

Unscrewed the petrol can?—Yes.

Which you knew to be full of petrol?—Yes, or about full.

Then why did you not pour it in?—Well, it takes some time to pour it in, and I wanted to relieve myself.

Everything bar the act of pouring it in had been done by you?—Yes. I naturally looked to see whether it would contain it first.

But everything had been done bar the act of pouring it in?—Yes.

You have heard the evidence given by Sir Bernard Spilsbury about the extended right foot?—Yes.

Showing that in his view the body had been outside the car?—Yes.

Are you sure that this dead man did not walk some fourteen yards up the road with you to where you unscrewed the can with the mallet?—Yes, most decidedly. He did not get out of the car in my presence, nor was the door undone.

There was no reason why he should not have done so?—There was no reason why he should not get out.

And every reason why he should if he wanted to put the petrol into the tank?—Yes, exactly, but I did not see him get out.

# Alfred Arthur Rouse.

Alfred A. Rouse

He might do that?—Yes, quite so. I thought you were referring to whether he wanted to relieve himself by getting out of the car.

Are you sure you did not go down the road with him at all?—Certain; I did not wish for him.

And unscrew the can some little distance ahead of the car?—Certainly I should not do a thing like that.

But it is clear that the cap was taken off with the handle of the mallet wherever it was done?—Yes, it must have been.

And it is clear that the mallet was found 14 yards ahead?—I do not know that: that is the evidence.

The evidence is that the mallet was found 14 yards ahead. May I ask you this? When you were asked in Exhibit No. 33 by Inspector Lawrence: "Can you tell us how the mallet, which you stated was in the car, got on to the grass verge?" did you answer: "It is possible the man I left in the car may have used the mallet to undo the stopper of the spare petrol can"?—Yes, I dare say I did say that.

But you did so?—Yes.

Why did you tell Inspector Lawrence that?—He asked me a reason. I did not study the question carefully. I was asked for an answer to a riddle.

A riddle?—Yes, I did not know why the mallet was there.

You knew that you had been outside with the petrol can?—Yes.

Why did you tell a lie?—I did not tell a lie.

You knew that you had undone it with the handle of the mallet?—I gave a wrong answer to that question—to a theory.

You wanted, according to your testimony, to tell to the police the truth?—Yes, certainly.

You had had abundant time to reflect upon it?—Exactly.

You knew you had taken the stopper out of the petrol tin?—Yes.

And the plain question is put to you: How did the mallet get where it was?—I said I did not know.

You did not. You said, did you not, to the inspector: "It is possible the man I left in the car may have used the mallet to undo the stopper of the spare petrol can"?—Yes, as an explanation of how it got there. I did not know.

But you know, upon your testimony, that you unscrewed it yourself, so that that could not be true?—No, I was not studying my answer. I was answering as they came to me.

By Mr. JUSTICE TALBOT—What is put to you is that you said it is possible the man might have done this?—Yes.

And it is put to you that it is impossible because you have said you unscrewed it yourself?—Yes.

*Cross-examination continued*—You see, the answer you gave to the inspector is not feasible if what you have told us is true?

## Evidence for Defence.

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—I see that my explanation was not feasible. We will put it in that way.

You realise that?—Yes.

Therefore, we may put away the explanation which you then gave, that the mallet being found 14 yards had anything to do with the man?—Yes, certainly.

And you were the only man who dealt with the mallet and the petrol can that night?—To the best of my knowledge, I do not know whether the man handled the can after I left it there naturally.

When you had got the can open—outside the car, that is clear?—Yes.

The opening of the petrol tank—is that forward in the bonnet outside the car?—Yes.

Why did you put the full can back on the driver's seat?—I thought it would be easier for him. He would take it out his side. I did that. That is all I can say. I cannot give an explanation, but I did it.

It was a foolish thing to do?—Perhaps so.

Do you agree?—Yes.

It is open outside the car; you have opened the cap of the tank, and yet, instead of pouring it in, you say you put the can back on to the driver's seat?—Yes, for him to take it away.

Was it at that moment he said: "What about a smoke"?—As I was leaving the car he said that.

Did you think it was a very dangerous thing for him to do?—Well, I did not, but in considering things I have thought that perhaps I should have.

You are a man of many years' experience with cars?—Yes.

You do not need to be told about the inflammability of petrol?—No.

A Morris Minor is a small car?—Yes.

You know that with an open can in the car——?—It was not open.

With a can which had been opened, with a loose cover just put on, with a match alight there would be risk?—I did not know that he was going to light a match straight away.

Listen to this. "I took the cap entirely off and replaced it a thread or so. I am giving a passenger a lift; he might do something in return and fill up my tank. I put the can back in the car on to the driver's seat. He said, 'Got a smoke?' I said, 'You have had enough.' Then I remembered a cigar"—I did not say "enough." I should have said, "You have had all I have got."

"I remembered a cigar. I gave it to him. He said something about a match. He said he could light it." Did you not, as an experienced driver, with this man you had picked up, who knew nothing about cars, say: "You must not strike a match in this

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car"?—I do not know that he did not know enough about cars. I should have thought he would have had enough knowledge not to strike a match on a petrol can.

Do you not know that it is one of the most significant matters in this case that the moment you have been dealing with petrol, the man talks about matches?—I do not say he asked for matches. I presume he had a light, and that he could light his own cigar.

When you gave your evidence to-day, did you wish it to be understood that the origin of the fire was your companion striking a match in the car?—I did not know how to account for it, except that.

But that was the idea, and is the idea, of the evidence which you have given, that that was the circumstance shortly before the fire?—Do you wish my opinion?

I want to know. The evidence which you are giving is that shortly before this devastating fire, your companion had spoken about a match and lighting a cigar?—He wanted a smoke.

And asked about a match?—I do not say that he mentioned a match. I think he said "light," to be correct.

You said "match" this morning?—Very well. It is the same thing boiled down to it.

But did you not say about this same matter, because it is important and we want to know where the fire came from—did you not say this: "I then remembered I had a cigar in the bag. I said 'I will give you a cigar,' and I tossed it to him in the packet through my door which was open. I said: 'Have you a match?' and he said 'Yes'?"—That is right.

That is plain enough?—Well, he inferred, yes, he had.

He said it according to you?—Very likely he said, "I have got a match" or "a light."

I am going to suggest to you where the fire took place in a moment, but I want your version. When you gave that evidence, and gave that evidence in Exhibit No. 33, I want to know if it is true you said to him "Have you a match?" and he said "Yes"?—Yes, all right. I dare say that is right.

Do not say it is true, if it is not?—That is what I remember about it.

You have heard it said by the officer, Sergeant Skelly, that when this statement had been made, twice or thrice, it was corrected entirely?—He inferred that he had matches to light his own cigar.

Did he use the word "match"?—As far as I know he did.

Did you use it?—No. I do not use matches in the ordinary course. I use a petrol lighter.

So we have the can placed back by you upon the driver's seat, and then the conversation about the match?—Yes.

You were outside the car?—Yes.

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Did I understand you to say that you tossed the cigar through the window?—Yes, I did.

And said "Have you a match"?—I have told you before that I do not remember the actual word "match" being used. It was either "Have you a match" or "Have you a light?" I will answer that question, either a match or a light.

You thought your petrol was running short?—I thought so.

Why not switch on the reserve tank?—I had to fill up before I got to Leicester in any case.

You had a spare gallon in your tank?—Yes.

It would not take a moment to switch that on?—No.

Why did you not do it?—Because I should have had to fill up before I got to Leicester in any event.

How many miles would you have gone with that extra gallon?—About 30.

The Morris Minor does about 36 miles to the gallon, does it not?—It is supposed to do, but you do not do 30 miles if it is out of a can.

You had enough for 30 miles. Did you think of doing it?—What?

Switching the reserve tap on?—I never do that, because a reserve is intended to be a reserve and only to be used in case of necessity or the last emergency.

But going to that place and stopping to sleep, then deciding that you must evacuate, you then decided to let the passenger pour in the petrol to the tank?—Yes.

And as you put the can upon the front seat, you said almost at the same time, "Have you a match"?—Well, he did ask me for a match or something to that effect. I will say yes.

Did you say you did not use matches at all?—I do not use matches in the ordinary course of events, as I have a petrol lighter.

Do you ever carry matches in your pocket?—Occasionally I may have a box.

In this very case in Exhibit No. 20, which is your belongings, is there a box of matches?—There may be, I do not know.

I understand there is a packet of matches (same produced)?—I did carry a book of matches.

It is marked "Coalite Smokeless Fuel"?—I carried that for the simple reason that in the goods I sell is a button arrangement which I was selling for the Christmas trade, and I carried that to demonstrate whereby that little thing fits in the top, and I carried that to sell my goods.

Is this what is called a booklet match?—Yes.

Are there matches which have been used?—Yes.

Did you use them?—I could not tell you.

Then am I right in saying that in your case there were matches?—No, I think they were in my right-hand pocket.

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At any rate, they were with you?—They were with me.

Have you never used them?—I do not use matches because I have a petrol lighter. There is a petrol lighter also in there. That can be verified by the firm. They sell a match case which is fitted with studs, and most people ask: "What is that for?" and I carry that to show them how to put that in afterwards. That is quite easy to be proved.

Then, as I understand, your story is that being in that position with the can, just one thread turned, on the driver's seat, you walked away with your case?—Yes.

Had you a hat?—No, I did not have one on then.

Had you a hat, was the question?—Yes, I had a hat.

Where was the hat?—I do not remember. In the back of the car I generally keep it.

You walked away without a hat, carrying the case?—Yes.

Solely to ease yourself?—Quite so.

With nobody about save your companion?—I hope not.

Then why walk 200 yards down the road to do it?—Because I did not want the man to switch his lights on while I was doing it.

What would it have mattered if he had?—It mattered to me.

A man in the car and not a human soul anywhere else—What did you walk 250 yards for to evacuate?—I should have done so in any case. I always do.

So that the man should not see you?—So that nobody should see me. I was not expecting anybody along the road, but I did not want anybody to see me.

Did you walk to a point where you could not see the car?—That I could not tell you. I did not turn round to look. I walked as far as I thought was necessary.

Why not go behind the car?—The village was there, to be quite frank.

One hundred and fifty-nine yards away and all asleep?—All right, but the village was there.

I am putting it to you that it is perfectly untrue that that was the reason you went so far?—It is the truth that I am telling you.

I put it to you that it is nonsensical that that was why you walked 250 yards?—I did not want that man to see me.

Is it a fact that you did walk to a point where you could not see the car?—It is quite possible.

The light you first saw of the blazing car, according to you, was reflected on to the other side of the road?—Yes.

And you have said that when you stood up you could not see the car?—Yes, certainly.

Is it right?—Yes, quite right.

You said: "During the time I was stooping down with my trousers down, with my back to the car, I thought I saw a light

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on the hedge in front of me and thought a car was coming up behind me with headlights. I took no notice of it as I was almost finished, and I then stood up. My case was lying open in front of me. I shut the case and turned round. My trousers were still down and I noticed my car was in flames"—Yes.

Two hundred and fifty or 200 yards down the road?—Yes.

How long after you had gone down there to that point did you see the light?—Well, I have not timed myself. I could not say. I should say a minute or more.

You were looking for a gap in the hedge?—If I had seen a convenient gap.

Did you not say you were looking for a gap in the hedge?—Yes.

Do you know that quite near to you there was a gap in the hedge? It is shown on Exhibit No. 12?—It is quite possible.

That you passed?—Possibly.

Just look at Exhibit No. 12. (Same handed to the witness.) That is a photograph of a gap in the hedge?—Yes.

Will you take it from me that from leaving the car where you stood and walking down there it would be a matter of 10 yards or so?—I dare say, but I should not have gone there in any case.

Why not?—Because I should have had to climb the hedge.

Why not? If you had, you would have got all the secrecy which you desired?—That is not a very convenient gate to climb over, and I did not see it that I know of.

Will you look at this Exhibit No. 13, with two gaps, and see if those are equally suitable? (Handing same to the witness.) And will you take it from me that you would pass those within, roughly, 50 yards?—Yes, but I did not want to climb over anything. I was looking for an open gate. Quite frankly, I should not have climbed over anything.

Why not?—For one thing, you are liable to mark your clothes or tear your clothes, and I did not want to do that.

And so you went 250 yards?—Yes.

You were looking for gaps?—I was looking for an open gate or an open gap. This is a gap in the hedge, but it is closed by a bar of wood. It is not an open gap.

Did you walk on the grass verge as you walked down?—I do not remember.

Then you got to the point where you took your trousers down?—Yes.

Had you begun to evacuate before you saw the light?—I think so.

You think you had?—Yes, I think so.

You are not sure?—No, I am not positive about it. I was in that position at any rate when I saw the light.

How long did you stay before you got up and turned round?



# Alfred Arthur Rouse.

Alfred A. Rouse

—Several moments at any rate. I thought after a time that the light got a bit brighter.

Did you complete your evacuation?—I cannot say that for certain. I do not think I did.

Then you turned round and saw your car was in flames?—Yes, I believe I made a step forward to get away from the spot.

You saw your car was in flames?—I do not say I saw the car. The flames were considerably high—as high as that (indicating Grand Jury box) and my car should have been there.

And then you ran along the road?—Yes. I started doing my things up a bit—I had to.

You left your case where it was?—Yes, I did that.

You ran down the road, and I understand you to say that you could not get near the car?—I could not get within a few feet of the car.

You knew the man was inside it?—I thought he was inside it.

Your were certain he was inside it?—I was not certain then, but I thought he would be inside it. I had not seen him inside.

With the petrol can inside?—It would have been inside. It was inside when I left.

Had any petrol been poured into the tank?—I had not poured any in.

There was nothing to tell whether he had gone out and poured petrol in or not?—I could not say.

You say now that you did not see the body?—I did not see the body.

And could not get near enough to see it?—No, because of the flames—I was rather scared of the flames, to be quite frank.

They were 14 or 15 feet high?—They were very high.

And all round the car?—They were coming out of the sides.

It had been a very quick blaze?—I do not question that at all.

And it had spread to the whole of the car?—Yes.

How long do you think you had been away?—I had not timed myself, but it would be considerably more than, we will say, two minutes, I should think. It might possibly have been five minutes. I have never timed myself on a thing like that or walking. I did not rush there.

Do you agree that the first thing you ought to have done was to try to get the man out?—I realise that now.

But did you not realise it then?—I could not get near the car.

But did you realise, whether you could or could not, the thing to do, if possible, was to get the man out?—I could not have got anywhere near that car to get him out.

Then you went 15 yards past?—I went some distance past.

And you there shouted "My God! my God!"?—To the best of my knowledge, I did.

# Evidence for Defence.

Alfred A. Rouse

Were you going to the village for help?—I expect I was. I went that way.

Why did you not continue?—I got panicky. I do not know that I did not go to the village. I do not know what I did.

Why did you get panicky?—It was my car.

But you had nothing to do with it?—It was my car, and I thought there was a man inside it.

Did you think you would be blamed?—No.

What were you panicky about?—I consider I had every reason to be panicky. I admit I was panicky.

Of what?—The blaze.

Do you mean that the mere blaze frightened you?—Yes, and I thought the man was inside.

Was not that all the more reason why you should try and help or get help?—Yes.

You went to get help?—Yes. I thought about help at the time.

Why did you stop?—I lost my head.

But why did you lose your head? Do you mean you thought you would be blamed?—I lost my head. I do not know why I lost my head, but I lost my wits. I will put it that way.

You are a man of considerable experience?—Yes, ordinary experience.

You went through the war?—A part of the war—a very short time.

Are you telling the jury that when you started to run to the village for help, which was your first instinct, you became panicky and decided not to do it?—I did not say I decided not to do it, but I ran towards the village and I lost my head, and I did not do it.

Did you from that point run in the other direction past the car, never stopping until you got to the end of the lane?—I do not think I ran. I tried to get to the near-side to see if I could render any assistance.

Have you a dog?—Yes, I have a dog at home.

What kind of a dog is it?—A fox terrier.

Does it go in the car with you?—It has been in the car many times.

You have heard the evidence which has been given about the hairs on the mallet?—Yes.

One of them may be animal?—Yes.

The other is certainly human?—Yes.

How do you think the human hair got there?—I have no way of accounting for it at all but this. I can say my wife trained as a hairdresser—she never went into the business seriously at all—but two or three times she has occasionally—not every week—cut neighbours' hair or her friends' hair, including my own occasionally, and that is the only way I can account for the hair

# Alfred Arthur Rouse.

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as being one reason, because the rags I used for cleaning the car, which are given to me by her, are usually my old shirts and things of that description, and they were always used as being the most convenient rag handy for covering up the head and shoulders to prevent the hair from falling to one's clothes. As a matter of fact, it is practically the only thing that is used, and, as I was handed the shirts as I wanted them, it is possible that on occasion the shirt I had in the garage or in the car for cleaning contained, we will say, a few cut hairs.

How did they get on to the mallet?—I cannot explain that.

Do you agree with me that if that mallet struck a man, stooping or bending down, it would render him unconscious?—I have never tried it.

You know that this man's skull was in fragments because of the fire?—Yes. I might mention that I had knocked some dents out of the mudguard just a week or two previous, and I had used a cloth on the outside of the mudguard to prevent damaging the enamel. I particularly remember doing that, but what rag it was I do not remember.

But you have heard the evidence that this hair was broken, and not cut?—Very likely.

It looks as though it got on by some blow of some kind?—I should think hitting a mudguard would be a blow. If I may also mention it, was it not a question that one of the hairs was supposed to be flattened out? Was it not in the evidence of Sir Bernard Spilsbury that one of the hairs was flattened out?

The small one with the root?—Well, that would be flattened out by the mallet on a hard substance.

That is what you say?—Yes.

You ran past the car, and, as I understand, you ran all the way and turned back and picked up your case? Is that right?—Do you mind saying that again?

You ran from the 15 yards past the car, where you had been, down towards the main road, and then turned back and picked up your case?—I did not go as far as the main road—only to there.

But towards the main road, and then turned back and picked your case up?—Yes, 2 or 3 yards past the case.

It was fortunate you remembered your case in your panic?—Yes. I believe I must have seen it.

But your panic was not so great that you could not stop and pick up your case?—Well, I think I saw it, to be quite frank.

What were you doing in that ditch at the end of that lane?—I was not in that ditch.

The evidence of the two men, Brown and Bailey, was that they saw you coming out of the ditch?—I have shoes on me that I have had on me the whole time since I have been in prison. They are marked with rubber studs underneath, and if that

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ditch was an ordinary ditch they would leave the marks of my feet.

You have heard the evidence that was given by them?—Yes.

They could not be mistaken about it?—It is possible. I certainly did not go in the ditch. I was on the grass verge near the ditch. I was coming away from the hedge very likely.

What had you been doing there?—I was running along the grass.

Instead of the road?—I was running along the road and I ran on the grass there.

Did you see a car coming up the Northampton road shortly before with headlights?—No.

You were not hiding from it?—No, of course not. I should not have had the chance.

You would see the headlights of a car coming up the road by night?—I did not see it. If I had wanted to hide from Bailey I could have gone back to the verge again.

You saw the two men?—Yes, but I could have gone back to the verge again.

If they had not seen you getting out?—Perhaps I saw them first.

Did you?—I could not tell, naturally.

Supposing a car was coming up the road, it might have hidden them coming up the road from Northampton?—I was not hiding. I was not running. When they saw me I was stationary.

You thought, first of all, "Now, I will tell them and get them to help"?—I went towards them to get them to help. That was my first thought.

You first thought of going to them for help and then decided not to?—Yes.

You see two men and think of asking them to help, and then decide not to?—Yes.

You knew for a certainty that in the flames of the car, which you had seen, this companion of yours was being burnt to a cinder?—I do not know that it was certain. I thought so, yes.

Did you stop and call out to see if he was in the car as you went by? You knew he was there before?—I thought he was there. I did not know for certain whether he was there.

Did you take any steps to find out whether he was outside the car at all?—I did not see him on the road.

I suggest that when you saw these two men, Brown and Bailey, your companion was being burnt out of recognition?—As I had not seen him, I take it that he was in the car.

Why did you not ask them for help?—I was in a panic.

Of what? What were you frightened of?—I was afraid.

Of what?—I was in a panic. I was terrified.

Let me see what you did. Did you say to them: "It looks as if somebody had a bonfire up there"?—I do not remember saying those words.

# Alfred Arthur Rouse.

Alfred A. Rouse

You heard them say it?—Yes.

Did you say it?—I do not remember saying it.

If they say a man passed them and then said, "It looks as if somebody has had a bonfire up there," is that panic?—I do not remember saying anything at all.

Rouse, if they did say it, if they are to be believed that that is what you did say, it does not look like panic, does it?—I am not judging. I should say very likely it does.

Do you tell the jury that you have no recollection of speaking to them?—I have no recollection of saying anything to either of the two men.

Some 230 to 400 yards up the main road there is a junction to Newport Pagnell. You may take it that that is something like that, about 430 yards?—Yes.

It was there that you got your lift from Turner and Pitt upon their lorry?—No, it was a bit past there.

It was a bit past there. I do not mind where it was. That is the place that they have told us; but it does not matter. It was about there?—Yes.

Did you ask for a lift?—Yes. I went towards the car, or the lorry.

You were not in such a panic that you did not remember to do that?—My one idea was to get as far back as I could, to get away to London.

For what reason?—I wanted to get away from that, in any case.

Why?—It was horrible.

No doubt it was; but you were not responsible for it?—No, I was not responsible for it, as I will admit.

Why could you not there and then, if that was your attitude, go to Hardingstone, to the village police, go to the Northampton police, anywhere, to get the facts before them? Why did you not do that?—I did not.

Very well. You asked for a lift. Did you give an explanation that you had been waiting for a mate with a Bentley car who had not turned up?—I do not remember using those words; it is quite possible I did.

Do you want to tell the jury that your mind is a blank?—No, not a blank. I do not remember the words I used, or the exact explanation; but I will take it that the words are correct.

What excuse did you give?—It was not the truth.

What was it?—I do not remember.

Do you remember my learned friend Mr. Finnemore telling the jury that you could not get a lift without some kind of excuse; you could not say that your car had been burnt?—That is right.

What excuse did you give?—I gave some excuse, but what it was I do not remember.

It was not the truth?—It was not the truth.

# Evidence for Defence.

Alfred A. Rouse

You were sufficiently out of the panic to invent a lie?—Put it that way.

That is right, is it not?—Yes.

You do not remember what it was?—No.

You have heard the evidence that has been given, “I have been expecting a mate to pick me up with a Bentley” ?—I should not use the word “mate” in any event.

A friend?—I might have said “friend.” In any case I should not use the word “mate.”

You got up and got a lift?—Yes.

Were you with Turner and Pitt for four hours?—Yes.

Do you remember what you talked about?—Mostly the defects of that car.

One of the things which you have said to the jury was: “That is a good idea, to have the floorboards up; because of the exhaust it makes a comfortable warm car” ?—Yes.

Does that look like panic?—I said that some time after I had been in the motor. I do not know.

I do not mind when it was. Does that look like panic?—It does not, perhaps.

Had you by that time recovered your composure?—Yes. I had recovered a lot.

Recovered your composure a good deal?—Yes, a good deal.

Are they right in saying that you talked in the ordinary sort of way, helped Turner with his switch, and talked all the way to London?—I take it their evidence is correct. I do not remember.

Do you not accept it?—I do not remember. I was nervous at the time.

The moment that you find anything with which you do not agree, say so, because I shall address the jury hereafter?—I was certainly more composed than I had been previously.

Was I right in saying that at that moment your panic had gone?—I do not think completely, but nearly gone.

Nearly gone. You then had time in the four hours' journey, with your panic nearly gone, to see the situation in its true light?—Yes.

When you were dropped at Tally Ho Corner it was about 6 o'clock in the morning?—It was dark. I do not remember the time.

The evidence was that it was about a four hours' journey. You then went home. Is that right?—Yes.

When you said this morning, when giving your evidence about that, “To be honest, I went home,” what did you mean?—I did not want at the time to bring my wife into it, and I went home. The police were bound to be inquiring about my car, as the number and everything was plain, and I did not want her to be upset, and I said, “I will be back to-morrow.”

# Alfred Arthur Rouse.

Alfred A. Rouse

By Mr. JUSTICE TALBOT—Why did you say “To be honest”?—I wanted to be frank. In the previous statement I had not said a word about going home.

*Cross-examination continued*—That is what I was about to put. This morning when giving your evidence you said, “To be honest, I went home”?—That is quite voluntary on my part.

I just want to get the facts. Did you say in your statement, which is Exhibit No. 33, “The lorry did not stop on the way to London until we reached Tally Ho Corner, where I got off. It was still dark. I do not know exactly what the time was. I walked from there to the Thames Embankment. I cannot say which road I took, but I believe I went by way of the Archway. It was just beginning to get light”?—Yes.

Was that untrue?—No, it is true; but in the meantime, after getting off the lorry, I first went home to tell my wife not to be worried.

I want the fact. You went home?—Yes.

Would that be somewhere about 6 o'clock?—6.15 or 6.20.

The evidence given by the driver was that you went down Friern Road?—Yes.

And went home?—Yes.

How long did you stay there?—A quarter of an hour, or half an hour; it might have been less.

Did you change your clothes?—No.

Did you change anything?—Nothing at all.

Still without a hat?—Yes, still without a hat. I had a hat there, but I did not put it on.

Do you say that you left in about a quarter of an hour?—Yes, very shortly afterwards; it might have been half an hour, but it was not a long stay at home; not an hour, or anything like that.

You were quite composed then?—Hardly that.

Your panic had gone then?—My panic had gone, but I was far from being composed. I was thinking about the whole thing; I was very upset indeed.

Did it not occur to you: “Now I must make a full report to the police”?—I had made arrangements to go to Wales, and I wanted to carry that out first.

Do you want to tell the members of the jury that when this perfectly dreadful thing had happened it was not going to make any difference to your trip to Wales?—It was put this way: a telegram was sent, and made very urgent.

We have heard of it. The question I am putting to you is: Do you desire the jury to understand that, although this dreadful thing had happened, this horror you wanted to get away from, it made no difference to your arrangements to go to Wales?—I made up my mind to carry out my arrangements first.

## Evidence for Defence.

Alfred A. Rouse

That is the answer, is it?—Yes.

You made up your mind, because you had arranged to go to Wales, to carry it out before you did anything?—It was also put to me as urgent.

You knew at that time that it was your car that had been burnt?—Quite.

You knew, further, that there was a man inside it?—Yes.

And you knew, from the fire which you had seen, that the man would be burnt beyond recognition?—I did not know that.

So fierce that you could not get within feet of it?—I had never seen a human being that had been burnt, so I cannot say.

You had not seen a human being who had been burnt?—No, and I was not to know that the car was to be so completely burnt out until I left it afterwards.

Very few people indeed have seen a human being burnt?—Yes.

You had not?—No.

It was your car?—My car.

For which you felt you were responsible?—The owner always is.

You tell my lord and the members of the jury still that in those circumstances it did not occur to you that the right and proper thing to do, being innocent, was to go to the police?—Yes, I thought the best thing to do was to go to the police, but I wanted to get my arrangements through; but I intended to go to the police.

To tell them the truth?—Quite. I would have to do that.

When you left home would it be 6.15 or 6.30?—Yes.

Do you say that you walked to the Thames Embankment?—Yes, I walked the whole way. I do not remember getting on anything.

You ought to know?—I do not remember riding. I think I walked the whole way.

Did you have any food at home before you went?—No, I did not.

Are you sure?—Yes.

Was your wife in bed?—Yes, she was.

You stayed a quarter of an hour. Did you spend the whole of that time, from 6.15 or thereabouts to 8.15, in going to the Thames Embankment?—I did.

Did you there see the witness, George Smith?—I do not recognise him, but I saw a porter there.

The man who came into the box to give evidence, George Smith, the porter?—Yes, I told the police that.

Did you tell him that you had had your car pinched?—I do not remember saying that. It is quite possible I did.

Are we to understand that you have forgotten everything you said?—I do not remember saying those words.



# Alfred Arthur Rouse.

Alfred A. Rouse

He gave evidence that you said that you wanted to go to Wales and had had your car pinched?—I certainly wanted to go to Wales. I was looking for a charabanc to go to Wales.

"I am in a bit of a mess: I have lost my car and had it pinched," or something of that sort?—I should not have said that I was in a bit of a mess, because I was not in a bit of a mess.

You were not?—No, I was not. As regards "mess" I should refer to clothes.

After seeing Smith did you see Mr. Farmer?—Yes.

Did you say, whilst Mr. Sweatman, the booking clerk, was telephoning, that you had had your car stolen during the night while at a coffee stall?—Yes.

That was a deliberate lie?—Yes, it was a lie.

Why invent coffee stall?—I do not remember saying "coffee stall."

Whatever you said—a moment ago you did?—I remember saying I had the car stolen.

Why invent the coffee stall, if you were going to go to the police after you had been to Wales? Why invent the coffee stall?—I do not know why I did do so.

Just an idle lie?—If you put it that way, yes, just an idle lie.

An idle lie from the man who a night before had seen such a blazing car horror that few men have seen. Is that right?—Yes, quite right.

Who was going to the police the next day?—Yes.

To tell the truth?—Yes. I should have told the truth.

Telling lies?—Yes.

If those two men at the corner of the road are right, Bailey and Brown, you told a lie to them. "It looks as if somebody has had a bonfire," meaning that you had had nothing to do with it?—Put it your way.

If Turner and Pitt are right, you told a lie to them about the Bentley car?—Yes.

You now come to the porter and tell a lie to him?—Yes.

Then we come to Farmer. You tell a new lie to him about the coffee stall?—Yes.

Did you say that there were a lot of motors outside the coffee stall, but none of the drivers knew anything about it?—Yes.

That was quite untrue?—Yes.

A pure invention?—Yes.

Then you said: "It was a Wolseley Hornet car"—another lie?—I do not think I was talking about a Wolseley Hornet to him, in any case.

Do you remember him saying that you said to him that morning that your car which was stolen was a Wolseley Hornet?—I do not remember it, because I cannot remember.

## Evidence for Defence.

Alfred A. Rouse

Why tell a lie about the identity of the car?—I do not say that I did.

Yours was a Morris Minor?—And a Morris Minor is exactly the same body and the same car, except that the Morris Minor is a four-cylinder car and the other is a six-cylinder. Most people would take the one for the other.

Why tell him that it was a Wolseley Hornet if it was a Morris Minor?—I do not know why I did, but I did so.

You know that it is done in a different colour; it is done in the Hornet with a yellow coloured body?—I did not know that.

Do you tell us that you told him that the Morris Minor and the Wolseley Hornet do not differ very much?—I was talking about cars and told him that mine had been stolen.

Had you told him that you had lost your hat and that it was a Stetson?—Yes.

Did you make a joke to Mr. Farmer about Black and White whisky?—It is possible. I have an idea of saying that; yes.

On that morning may we take it that you were composed and calm; the panic had gone?—The panic had gone.

You were quite composed and calm?—Yes, I was feeling much better as time went on.

May we take it that you were quite composed and calm?—Yes, in a way.

And you were joking—the blazing car horror forgotten?—No, it was not forgotten.

Well, so far as its effect upon you was concerned?—The first effect I had got over a bit.

How far were you from Scotland Yard, do you think, when at Bush House?—Very near, I think: a matter of a mile.

At Villiers Street you were very much nearer?—Yes. I do not know where Scotland Yard is exactly.

Did you ever stop to think that Scotland Yard is open all night?—I did not think. I would not have gone there in any case even if I had known that it was open all night.

Do you tell us that you would not?—No; I wanted to get to Wales as quickly as I could.

Let me leave this part of the case with this, and the jury will weigh it, that your only concern was to get away from the blazing horror which made you panic-stricken. The next morning, quite composed and calm, you would not have gone to Scotland Yard until you had made the journey to Wales?—Yes. I was very anxious to get to Wales.

You would have had time to go to Scotland Yard before starting?—No, I do not think I should.

Be careful. Did you buy a hat?—Yes.

Where?—At the top of Villiers Street—the Strand, I think it is.

# Alfred Arthur Rouse.

Alfred A. Rouse

Do you not know?—I think it is the Strand. I am not quite certain. It is the top of Villiers Street in any case. That is the Strand, I believe.

You booked your ticket about 8.30. Is that right?—I do not know the exact time. I think it was about 8.30.

Did you leave Bush House at 9.45? Did you have time to go to Scotland Yard?—Yes. I went and got breakfast.

Did you have time to go to Scotland Yard?—Yes, I went and had breakfast first.

Despite the blazing horror, with which you were concerned and for which you felt responsible?—Yes, I felt responsible.

I put it to you quite plainly and directly that you never intended to go to Scotland Yard at all?—I did intend to go to Scotland Yard, but not then.

Let us see. After you had spoken with Mr. Farmer, did you tell him that you could get down to Wales with your Wolseley Hornet in about three hours?—I might have done so, yes.

When you went down?—?—I said "Scotland Yard." I should have gone to the police, I mean, when I say that. I should not have rushed after the police. I should have had to make a report in any case.

Did you say that you would not have rushed after the police? The indescribable horror of a burning man does not happen every day?—No, I hope not.

Why talk of rushing after the police? Was it not your duty to go at once and say, "An unfortunate man has been burnt to death in my car?" Was it not your duty?—Yes, it was.

"And I, the owner of the car, was there?"—Yes.

Was that not your duty?—Yes, very likely it was. I will say it was my duty.

Then why talk about not your duty to rush after the police?—I do not think I said "duty."

Did Bell, the driver of the motor, speak with you on your way down?—Yes.

Did you say that you had had your car stolen the night before?—Yes.

When you had stopped at a small café on the roadside near St. Albans?—Yes.

That was a lie?—Yes.

You invented not merely the café, but the place?—Yes.

Did you say that you went in for a cup of coffee and when you came out the car was stolen?—Yes.

Another lie, was it?—Yes.

Did you say that you were going to Wales to see your wife?—Yes.

Did Bell mention two villages to you?—Yes. I asked him the best way to get to Gellygaer, and he told me I could not get direct from Newport; I would have to change a second time.

## Evidence for Defence.

Alfred A. Rouse

He did not know Gellygaer himself. I asked where it was near, and he suggested several villages.

You talked in that way about villages?—Yes.

Did you talk about dents in the car and the use of the mallet?—Yes.

Did you say that you had a mallet?—Yes.

The conversation, in effect, that Bell gave in this Court?—Yes.

But a good many lies you told to him?—About my car, yes.

And about yourself?—Yes.

When you got down you saw Mr. Jenkins?—Yes.

You heard the evidence that Mr. Jenkins gave. I want to ask you a question or two about that. When you saw Mr. Jenkins you told him, did you not, that you had had your car stolen?—Yes.

At Northampton?—Yes.

By Mr. JUSTICE TALBOT—Did you mention Gellygaer to Mr. Bell?—I mentioned Gellygaer to him, but he did not know where it was.

That is not what Mr. Bell said. He said that you did not know the name: you were going to Wales and did not know the name?—Not the larger towns near. Gellygaer is quite a small place.

No, it is not?—There is only one constable in the place.

*Cross-examination continued*—I make no complaint about it. With regard to Mr. Jenkins, did you tell him that you had had your car stolen?—Yes.

At Northampton?—Yes.

You were inventing a different story?—Yes.

What was the purpose in your mind in telling these lies about how your car had gone?—I think seven people up to then had asked me, so I had to give an explanation as to how I lost my car and it would mean then seven very long stories of rather complicated serious detail, and I took the easiest course, unfortunately.

Nobody had asked you: you had volunteered the lies?—Yes.

Do not say that they asked you. You volunteered the lies?—I said that I lost my car and they asked me.

By Mr. JUSTICE TALBOT—Surely if you wanted to take the easiest way, the easiest thing would be not to tell different lies?—I was not trying to hide anything.

I was not saying that you were. You said that you took the easiest course?—To avoid giving a long explanation.

Do you not get into greater difficulties by giving different explanations than you would by telling the truth about the whole business?—I was not considering being brought up before a jury to account for my actions.

# Alfred Arthur Rouse.

Alfred A. Rouse

*Cross-examination continued*—You remember going upstairs to see Ivy Jenkins?—Yes

Do you remember coming downstairs and having supper?—Yes.

When Mr. Reakes came in?—Yes.

The man who came in with the evening paper?—I do not remember.

The man who said that he had been in when you arrived there, and went away having heard what you said about the car, found the evening paper, and came back?—I do not remember it very clearly.

Do you not remember a man coming with the first account in a paper about your car?—I do not remember very clearly. I seem to remember that he did ask me about the car.

Did Mr. Reakes say to you, "If that is your car, you will see it no more"?—I think I remember him saying that.

Did you say, "That is not my car"?—Yes, I said that.

Another lie?—I do not quite remember that. I think I did; I have an idea I did. I do not quite remember at that stage.

Was there not an opportunity of speaking the truth?—Yes.

You did not take it?—No, because a lady was present: Mrs. Jenkins was present.

I do not follow about the lady being present?—If I gave an explanation at all, I would have to give a full explanation.

What was involved in a lady being there?—I hardly think under the circumstances I should have told what I stopped the car for. It is a matter of opinion.

Are you here to say this, that you had such a delicate shrinking from saying, "I stopped to relieve myself," or "A call of nature," that you could not, because a lady was present, tell the truth?—I am not so delicate in my mind as all that, but I took the easier course, the easier of an explanation.

That is the explanation you gave now, that a lady was present. Did you then say on the following morning, when Miss Phyllis Jenkins produced Exhibit No. 21, the *Daily Sketch*—will you take this in your hand?—I recognise the paper.

Very well. It says, "Body found in a blazing car." That did not surprise you?—No.

You had known it?—Well, it was the first time I was certain of it then. Naturally I thought of it all along: I thought the man was in the car. That is the first time I had definite evidence that he was.

"A burnt car registered as belonging to Mr. A. A. Rouse, of Buxted Road, North Finchley, in which a charred body was discovered at Hardingstone, near Northampton, yesterday. The sex and identity of the victim have not yet been established. The police are anxious to interview a man seen near the car at the time of the accident." You knew that that was you?—

## Evidence for Defence.

Alfred A. Rouse

Yes, I think it mentioned something about Scotland Yard. That is what put in my mind Scotland Yard, that paper.

You knew that was you?—Yes.

When Miss Phyllis Jenkins showed you that, did she say, "There is a photograph of your car burnt in the paper"?—Yes.

Did you say to her, "How do you know"?—Yes, I did.

Up to that time had you thought that your name might somehow not appear in the papers?—I had not thought about it, to tell you the truth.

Did she say, "Your name is underneath"?—Yes; I think she did. She did, yes.

Did you then take the paper and read it?—I did.

Did you read the whole of it?—I do not think I read it all. I read a good deal of it.

Do be careful. Are you going to tell us that at that moment your interest was not keen enough to read every word being said?—I think Mr. Jenkins was asking me one or two questions at the time. In any case, I took the paper to read it a second time, to read it more fully. I read a good bit of it in any case.

There was not anything so interesting in all the world to you as to know what had been said?—Yes.

And you had that full version about the tragic find in the paper which you had read yourself?—The tragic find of the car.

Yes. Did you keep it?—Yes.

Did you go with Mr. Brownhill from that house to Cardiff in his car?—Yes.

As you were going, did he say anything at all about your car, and whether you had reported it to the police?—Yes.

Did you say to him that you had reported it to the police and to the insurance company?—He said, "Have you reported it to the police and have you got it insured?" and I said "Yes."

Did he ask you whether you had reported it to the police and the insurance company, and did you say "Yes"?—I said "Yes."

That was another lie?—Yes.

Why did you not say to him, "As a matter of fact, I am just on the way to do it"?—As a matter of fact, Jenkins knew I was—Jenkins in any case knew I was on the way to Scotland Yard to report about that.

Why tell that lie to Brownhill, that you had done it?—I do not know, I am sure; I did do so.

Did you, as a matter of fact, on that journey?—As a matter of fact, I believe, he was present when I told Mr. Jenkins.

What?—I believe he was present when I told Mr. Jenkins that I was going to Scotland Yard.

You have heard the evidence that he gave. He said that he put the question directly to you, and you said that you had reported it?—Yes.

# Alfred Arthur Rouse.

Alfred A. Rouse

That when he asked you further about it, you said it was too lengthy and complicated to go into?—Yes.

Did you call at the Cooper's Arms Hotel on that journey?—Yes.

Did Mr. Brownhill say in Mr. Morris' presence?—?—And Mrs. Morris too.

Yes—that they had been reading in the *Daily Express* the account of it?—Yes.

Did Mr. Brownhill say, "It is this gentleman's car"?—Yes.

Did you then say to Mr. Morris how it happened? "I went to a restaurant in London to have food and the car was missing when I came out"?—Yes, I think I did say it.

That was a different lie?—Yes.

A new story?—Yes.

Café at St. Albans, café at Northampton, restaurant in London?—Yes.

You were on your way to tell the police?—Yes.

Why keep up this lie again?—If I had told them part of the explanation I should have told them the whole lot.

Did Mr. Morris say, "You have nothing to worry about if you reported it to the police and the insurance company"?—Yes, he did.

Though you had not?—Yes.

You told him that you had?—Yes.

Did the butcher's boy, Idwal Morris, come into the room while you were there and the conversation was going on?—Yes.

Did he say that he had read in the morning paper that the charred remains of a lady had been found in the burning car?—Yes.

Did you say, "Oh, dear, dear; I cannot bear to hear about it"?—Yes.

You had been pretty calm all day about it, had you not; inventing lie after lie?—That was in the morning, if I remember rightly.

All the journey down since the morning on the Thames Embankment and the journey down since, and the night's rest, and all the next day. You had been pretty calm about it then?—Yes. It upset me to hear about it then, and I did not want to hear about it.

You knew, did you not, that it was not a lady inside that car?—Yes, I knew it was not a lady inside the car; I was certain of it.

But you said nothing?—No, of course, I did not. As far as I remember, I said nothing about it; I might have said something I do not remember saying now.

Up to that point, at any rate, so far from being frank and truthful, you had simply been the reverse, inventing lies at every

## Evidence for Defence.

Alfred A. Rouse

turn?—Yes. I was speaking anything but the truth. I did not want people to keep on asking me questions about it.

You could have avoided all that by going to the police at once, could you not?—What? At Gellygaer?

Anywhere—Cardiff Gellygaer—anywhere?—I could have gone to Cardiff. There is only one constable there.

Gellygaer?—A very small place again.

One constable?—Yes.

You were at Cardiff in the morning. Could you have gone there?—Yes, but I did not intend to.

Quite apart from the fact that you could have gone to Scotland Yard before you went to Wales at all?—Yes.

You agree that all that day, the 6th, and all that day, the 7th, you did nothing but invent lies?—It is quite right; I did.

To every single person you met?—I did not want to give a long explanation to everybody.

When you journeyed back, your journey from Cardiff to London took practically all day?—Yes.

What time did you start from Cardiff?—I do not remember.

May I take it that it took all day practically?—Yes, from midday almost until about 9 o'clock at night.

At 9.30 you were met by Detective-Sergeant Skelly?—Yes.

And, of course, from what you say, you were simply on your way to Scotland Yard?—Yes.

That night?—I thought Scotland Yard was mentioned in the *Daily Sketch*.

Were you on your way that night?—Yes, certainly I was.

After this bus had gone which had brought you to Hammer-smith it went on to Victoria. It was your purpose to go to Scotland Yard?—I think the bus stopped on the Embankment or outside Scotland Yard.

Let me understand. It was your purpose, was it?—Yes.

You said, did you not, "Very well, I am glad it is all over. I was going to Scotland Yard about it. I am responsible. I am very glad it is over, I have had no sleep" ?—Yes.

Was that true?—Yes. About the sleep part, I might have slept a few moments.

I want to put to you what you said after that long day in the motor coach on the way to London, "All right. I suppose they wish to see me about it." You had not any doubt that they wished to see you about it, had you?—No.

"I do not know what happened exactly" ?—That is right.

"I picked up the man on the Great North Road. He asked me for a lift. He seemed a respectable man and said he was going to the Midlands. I gave him a lift. It was just this side of St. Albans. He got in and I drove off, and after going some distance I lost my way." Had you lost your way?—Yes, when I got to Hardingstone.



# Alfred Arthur Rouse.

Alfred A. Rouse

When the policeman spoke to you about your lights, you had not lost your way?—No.

"I lost my way. A policeman spoke to me about my light. I did not know anything about the man, and I thought I saw his hand on my case which was in the back of the car" ?—Pardon me; do you infer that I lost my way when I saw the constable?

I am merely reading the order in which it is given. "He got in and I drove off, and after going some distance I lost my way. A policeman spoke to me about my light" ?—That is right.

Do you mean you lost your way at Hardingstone?—Yes.

Very well. "I later became sleepy and I could hardly keep awake. The engine started to spit and I thought I was running out of petrol. I pulled in to the side of the road. I wanted to relieve myself and said to the man, 'There is some petrol in the can; you can empty it into the tank while I am gone,' and I lifted up the bonnet and showed him where to put it in." Was he outside the car?—No, inside the car.

Was he?—Yes, inside the car. I had not seen him get out at all.

Did you do it by motion and say "It is here" ? What did you do?—What?

He was in the car and you were outside lifting up the bonnet?—Yes.

Which bonnet—the off-side?—The off-side.

He was sitting in the passenger's seat, the near-side seat?—Yes, the passenger's seat.

He was sitting on the near-side seat?—Yes.

Near-side seat; off-side bonnet?—Yes.

You lifted it up. That would hide the passenger from you a little?—No.

At any rate, did you do it by way of motion and say, "Here it is" ?—He saw me look in the petrol tank. I took off the cap and put it on the dash at the top.

Did you say, "Put it in here" ?—No, he saw me do it.

You had the petrol can outside, had you?—That is right. You cannot pour a can of petrol into a tank, a two-gallon can, in a few seconds; it takes time.

I want everybody to understand. You standing there on the off-side of the car, the cap off, the can there, unscrewed by the mallet by you, and all necessary to lift the can and get it in?—Yes.

And yet to the passenger on the near seat, inside the car, you showed him how to do it?—What do you mean by "showed him how to do it" ?

What you say here: "I lifted up the bonnet and showed him where to put it in" ?—Yes, he saw me looking; that is all.

"He said: 'What about a smoke?' and I said, 'I have

# Evidence for Defence.

Alfred A. Rouse

given you all my cigarettes as it is.' Then I went some distance along the road," and then you begin to tell about what happened?—Yes.

In those circumstances, why did you not pour it in yourself?—I wanted to evacuate and wanted to go fairly bad, and it takes time to pour petrol in from a can.

Did it suddenly come upon you?—Yes, and it was a pain.

You had stopped the car to sleep?—Yes.

If, as a matter of fact, you desire to say that the reason why you could not pour it in was because you wanted to evacuate badly, why did you walk 200 or 250 yards before you did it?—To get away from the car.

When you gave your statement in Exhibit No. 33, is this what you said: "When I stopped the car"—?—Pardon me. Is this the statement, the long statement that was given?

Yes, the long statement. "When I stopped the car, I got out and my companion asked me if I had a smoke, and I said, 'I am sorry I have not; I have only got a pipe.' I then remembered I had a cigar and I tossed it to him in the packet, through my door, which was open. I said, 'Have you a match?' and he said 'Yes.' I then lifted up the bonnet of the car to look at my petrol in the tank." Is that right?—Yes, that is right.

The talk about the cigar and the match was before you lifted up the bonnet?—It is quite possible; I do not remember whether the one was before the other, to be quite frank.

You do not?—No; I cannot say exactly, they were both about the same time.

You realise how important it is to try to get at the origin of the fire?—I quite realise that.

"I then lifted up the bonnet of the car to look at my petrol in the tank. I lifted up the off-side of the bonnet. I knew I had enough for another twenty miles, as I have a two-way tap. I then said to my companion, 'Will you look to see if I have any petrol and put some in from the spare can?'" As a matter of fact you had looked?—I looked in the tank in the car?

Yes?—Yes, I had looked.

You had, in fact, opened the tin?—Yes.

"I indicated to him that there was a spare can of petrol, and I believe I lifted the can from the back of the car to the front seat"—that is, to your driving seat. Why did you not tell them that you had the can outside?—I did not give them every little motion of my hands. I did not; that is all. I did not give every little motion I did in the statement. If I did, perhaps it would have been taken down.

You know, do you not, that you were endeavouring to explain there the possibility of the car catching fire with the man inside it?—No; they were asking me for a full statement of the whole thing, and I was giving them the whole of the facts, and trying to explain everything. I was giving them the truth.

# Alfred Arthur Rouse.

Alfred A. Rouse

I asked you a moment ago, and I understood you to agree with me, that an important thing in the case from every point of view was: how did the man meet his death?—Yes.

You, when telling the officers, were giving a narrative nearly forty-eight hours after the event, with time to think, as I suggest?—Yes.

This part was to explain how the unfortunate man caught fire, was it not?—Yes; it was in the officers' mind I expect.

In your mind?—Yes, all right; yes.

In those circumstances, was it not tremendously important for you to say, if it was the fact: "Why, I had opened the can myself, opened by me outside the car"?—I did not think of it; that was all.

What you did was to convey the idea: "There was a petrol can, and I believe I lifted it on to my side," but not a word about opening it?—I omitted to say so.

Let me get the second fact. Did you then say that the dead man might have used the mallet to knock the cap off?—Yes.

You knew it was untrue?—I was asked for an explanation and gave them the best at the time.

Do you say here, that upon this all-important matter——?—My words were not accurate.

——of how the car caught fire, you had forgotten that you opened the tin with the mallet yourself?—Yes; I had forgotten it for the moment.

Then I wanted to ask you about this: when you left the car to go down the road, did you leave your door open or not?—No, I should not have left it open; I should have shut it.

Are you certain?—I am certain of that; I always shut the door. One thing, the door would have shut automatically.

How do you account for the body lying face downward in the driver's seat, with the leg extended beyond the near-side door?—I think we have too many experts here for me to say how. I really do not know how; I did not see it happen.

According to your evidence, the man was 5 feet 8 inches?—Yes.

You saw him?—Yes.

Not unlike you in build?—Yes.

3 feet 4 inches from extreme door to extreme door?—Yes.

You have heard the evidence?—Yes.

The body extended, with the face of the man down in the driver's seat, and the leg extended beyond the near-side door?—Yes.

How did he get like that?—I do not know. I did not put him in that position, if that is what you are inferring.

Do you agree that he could not have been in that position——?—When the fire first started?

Wait a minute; do not be too hurried about this. Do you

# Evidence for Defence.

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agree that he could not have been in that position unless he was put there?—I certainly agree I did not put him there; I did not touch him.

Do you agree that he could not have got into that position unless he was placed there?—I certainly say he was not placed there.

There would be nobody to place him there but you?—That is right.

Did you hear my learned friend, your counsel, tell the jury that it was inconceivable that he only lived for half a minute unless he was unconscious?

Mr. FINNEMORE—I did not say that, with respect.

The WITNESS—I could not say, it is too technical.

Mr. NORMAN BIRKETT—I beg my learned friend's pardon. I must be quite accurate about this. I am glad that my friend corrected me, because I must be accurate about this. The submission that my learned friend was making was that the man was alive when the fire started; the man died very quickly within half a minute; a very quick and violent blaze; of shock due to burns, and that he was burned alive in full possession of his senses is inconceivable. (*To Witness*)—Did you hear your learned counsel say that a man to be burned alive in the car in full possession of his senses was inconceivable? Do you agree?—I cannot express an opinion.

Mr. FINNEMORE—The point with which I was dealing then was that he was burned alive deliberately by somebody else, not, of course, accidentally.

Mr. JUSTICE TALBOT—The whole of that is based upon Sir Bernard Spilsbury's evidence.

Mr. FINNEMORE—Yes.

Mr. JUSTICE TALBOT—You were arguing from that evidence to the jury?

Mr. FINNEMORE—Yes, entirely.

Mr. JUSTICE TALBOT—You mean he could not have been burned in the sense that he could not have been placed there by another man if he was in full possession of his faculties; that is to say, he must have been unconscious?

Mr. FINNEMORE—Yes.

Mr. NORMAN BIRKETT—I think we are at one; it was possibly my wording of the question. My learned friend will correct me at once if I state anything which is inaccurate. (*To Witness*)—In the position in which the body was found, according to the evidence, the man must have been unconscious when so placed?

Mr. FINNEMORE—If so placed.

*Cross-examination continued*—If so placed?—I did not knock the man unconscious, or use the mallet, or touch him at all. I cannot express an opinion on that because I do not know.

# Alfred Arthur Rouse.

Alfred A. Rouse

Did he seem an active man?—I never saw him move much except in the small space of the car; but I should imagine he was fairly active, of course. I cannot say definitely. He may have had some disabilities for all I know; he did not mention that.

He just sat there?—Yes.

You never saw him move, did you?—He moved about the car, moved his limbs.

When you got out with your case, you never saw him move?—He certainly moved. I do not know what he said. He might have turned sideways.

When you walked down the road did you turn to see what he was doing? It was a moonlight night?—No. You cannot see in a Morris Minor car, even if it is moonlight.

To see if he got out?—No.

You did not turn round?—No.

The man had no difficulty in getting into the car when he first got in?—No.

You are sure he beckoned to you to stop?—I would not stop otherwise.

You have given lots of people a lift?—Yes, but they have always beckoned me first.

I want to ask you a question or two about the Morris Minor and the petrol. You know a good deal about cars?—I have had a good many cars.

How many?—I should not like to say—quite a number.

Different makes?—Yes. I have had two Fords, two Overlands—several cars—two Morris Minors.

Two Morris Minors, two Overlands, two Fords—Willys-Overlands?—No, ordinary Overlands.

Essex?—Yes.

Many cars?—Yes, I have had many cars.

Have you a garage?—Yes; I built it myself.

With a working bench?—I should not quite give it that elaborate name. I use it as a bench, but it is only a little slab of wood.

Where you do the working repairs?—Yes, I do repairs; but it was not a bench; only a slab of wood.

Where you do the working repairs. You have a fair working knowledge of cars?—Yes, I think so; a working knowledge.

You know all about the engine, and the petrol supply, and all the rest of it?—Yes.

We may take it that you are a man of practical knowledge of the working of a car?—A good driver's knowledge of the working of a car.

You did the working repairs?—Only small repairs.

When did you last fill up the tank with petrol before the fire?—About midday on the 5th November, the previous midday to the fire.

## Evidence for Defence.

Alfred A. Rouse

Where?—Somewhere over the other side of the water; I mean by that the south side of London.

Where is the receipt for it?—I do not know that I got a receipt for it. I usually get one.

You usually do. You preserve them, do you not?—Yes; most of them.

For your expenses?—Yes. I cannot preserve them all.

Was the last receipt that you had preserved for four gallons of petrol on the 4th November at Dartford, for which you paid 5s. 6d. for benzol?—It may be.

You have a receipt for that, and is that the last receipt which you have?—I do not know. My receipts were all in my pocket-book.

Where, after the 4th, did you purchase any further petrol?—I do not remember. I do not keep all the receipts, for the simple reason that I do a bit of private driving, and I like to be as honest as I can, and I do not think it fair to charge up to the firm any petrol that I use privately.

Do you tell the jury that you do not know where you bought the petrol?—I do not remember. It was somewhere near Camberwell, I think.

What quantity?—Three gallons.

Over Camberwell way?—I think it was actually Camberwell Gate.

Was that the last petrol that you had in the tank?—Yes.

On the 5th?—Yes.

About what time?—Midday. Between 11 o'clock and 1 o'clock, I should say; before lunch.

You do not know the address and you do not remember who served you? Was it a young man?—I do not remember where I bought it.

Neither the garage nor the place?—If I remembered the garage I should remember the place.

You do not remember at all?—No.

How long had you had the petrol can in that car?—I had not it in the morning; I do not carry it ordinarily.

Why did you put it in?—I was going a long journey in the night. I usually carry a can of petrol when I am going a long journey.

Your tank holds about 5½ gallons?—No, 5 gallons is the utmost. I do not think you can get 5 gallons in.

You know that you had purchased on the 5th, about midday, 3 gallons?—Yes.

Was the tank full?—It would not be quite full, but very nearly.

Did you have as much as would fill the tank?—I never buy a half-gallon, so it may have been full except for half a gallon.

How many miles had you done since you had it?—I should say, roughly, 30 or 40.

# Alfred Arthur Rouse.

Alfred A. Rouse

Between midday, when you filled your tank, and the moment when you started on your journey?—Anything between 30 and upwards. I know I was running round Camberwell and Peckham, I think, and I know I went down to Lewisham and came back to Peckham, and, I am not certain, but I think I went to Croydon.

Was it business?—Yes.

At Croydon?—Yes.

Do you not remember whether you were there?—I know I went to Streatham, but whether I went to Croydon I do not remember.

Peckham?—I have an idea I was going to turn back because I thought they would be closed, and I would be too late.

Peckham?—Yes, I went there.

Did you take any orders at Croydon?—No. If I had taken an order I should remember going there.

Do you remember the people you called on at Croydon?—No, if I did I should say I went there.

What business did you go on?—The firm's. I do not remember calling anywhere at Croydon.

Would it be right to say that you used 1 gallon or thereabouts?—Yes, perhaps a little more; 1 gallon or thereabouts, yes.

So you would have 4 gallons in the tank?—Including the spare; I should not have had any more; I might have had considerably less.

You had abundant opportunity to fill it up for the night journey?—Yes, but I do not like buying petrol by the gallon.

It is much better to get your tank filled from the wayside pump than from a can?—Yes, possibly; but that is why I kept the spare can, to prevent buying one single gallon.

You could easily have had it filled up before you started?—Yes, but I never buy 1 or 2 gallons.

Why?—I do not like tendering half a crown. I do not like the fact of driving up and asking for 1 gallon. Very few cars do. I do not in any case.

Are you seriously saying that you have a disinclination to buy a small quantity because you do not like tendering the money?—No, I do not think it is worth having 1 or 2 gallons; I wait until it is more empty.

It is much preferable to fill your tank from a wayside pump than from a can?—Yes.

Then why did you not do it?—I do not do it. You have several receipts for the week, and if you average out the average quantity you will see I buy 3 or 4 gallons.

You did not buy it, because of going for a night journey?—No.

Going on a night journey was unusual?—No, I had done it before.

# Evidence for Defence.

Alfred A. Rouse

When had you last carried a can of petrol in the car?—About a week before.

On a night journey?—No; I think I arrived home after two or three at night.

From where?—I think I had been to Bournemouth.

Are you sure?—Yes, I am certain, because I remember coming through Winchester, and I remember that I had an accident. It was on the Kingston by-pass road.

Was it the same car?—Yes.

The same can of petrol?—Yes.

But was it filled?—That I cannot tell you.

Had it ever been empty?—When it was getting empty I always had it filled.

When was it last filled?—I cannot remember. I think I took it to Bournemouth full and brought it back full.

You had travelled about 60 miles from Tally Ho Corner to Hardingstone village?—From Tally Ho Corner, I do not know the distance. I will take it as correct.

Take it as correct—about 2 gallons of petrol?—Yes, that is right.

If you started off with a full tank, you would have 2 gallons left. If you started off with 4 gallons, you would have 1 gallon left?—Let me work that out.

Five gallons with your full tank?—Provided I had a full tank.

Assume that it was filled with 5 gallons at midday, 1 gallon used ere you started, makes 4 gallons?—Yes.

Two gallons used upon the journey leaves 1 gallon in reserve and 1 gallon in the tank?—Yes.

There was no need to fill up at all, was there?—I did not want to fill up at all, but the car had spat once or twice or several times, and I thought that perhaps my estimation was wrong. I looked in the tank and I could not see the petrol, so I took it I was wrong, and it wanted petrol.

I want to suggest quite plainly to you, as a practical man, that you knew perfectly well that there was not the smallest necessity for taking out a petrol can at that time?—I did not work out the exact distance; I did not; certainly not.

You know the union joint that has been referred to in this case quite well?—Yes; I have never seen it quite close. As a matter of fact, it is right underneath the car.

You never had one loose before?—I have only had one other previous Morris Minor car.

You had never had in any car that union joint loose?—Yes. Leaking petrol?—Yes, before now.

Tell me which?—What cars I have had?

That had that union joint in your car leaking petrol?—They



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are not quite the same type of joint; they are very similar; the nozzle is the same.

Tell me about that?—I had it on the Essex more than once.

Was it noticeable?—Yes. I used to turn the petrol off at the tap, because I certainly lost petrol during the night over it.

Did it come on to the floor of the car?—No. It is the only car that has had the union in that position.

The Morris Minor?—Yes.

You know perfectly well, do you not, that if you get a loose joint there you can get quite a steady flow of petrol on to the floor of the car?—If you had a very loose joint.

As Colonel Buckle stated?—Yes.

You were able to follow the evidence of Colonel Buckle quite plainly?—Yes.

Do you agree that any such leak would be immediately noticeable by smell?—I do not think there was such a leak; but within an inch or so of that tank itself there is what you call a sweating. I noticed it more than once. It was very slight indeed; you could not smell it. You can see it actually, but not smell it. You can see the mark of the petrol.

Now, will you answer the question which I have put to you. If there was a loose joint such as Colonel Buckle says he found, do you agree that from there you would have a leakage of petrol?—Most decidedly, if it was leaking as much as he says.

Secondly, would such a leak be noticeable at once to the smell?—Yes, certainly I should have noticed it; I think so, in any case.

Thirdly, would such a leakage of the petrol make a pool on the floor?—No, because the boards on the bottom of the car do not fit as tight as that, and there are several cracks. I dare say there is quite a couple of yards there, and with a very poor joint it would not make a pool in any event.

There is a cork lino. mat?—Not a cork lino. mat. It is a hair mat. It has not exactly the hair; it is only about a  $\frac{1}{4}$  inch or an  $\frac{1}{8}$  of an inch.

Where did you get that?—It is a standard fitment on every Morris Minor. It is a wood floor with a trap door, and the top is a lino. of some kind, and on top of that is the hair mat.

Whether it is standard or not—I am told it is not, but you say that it is—it was in your car, at any rate?—Yes.

We are agreed—whether it is standard or not is immaterial; it was in your car, you say—that a leakage of petrol from that joint would be noticeable to the driver at once, in the loose state in which it was found?—In what way noticeable—by vision?

If there was petrol in the tank and you had the nut a full turn loose?—I should have noticed, I think, quite frankly; but it would not be visible; it would be smellable, no doubt.

That will suffice for my purpose. Do you agree with me you would have a flow that in one minute and twenty seconds would

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produce about half a pint, a tumblerful?—I do not think there was a leak there.

I am putting it upon the assumption?—Yes, it is possible.

The evidence which he gave was that that nut was a whole turn loose?—Yes.

I am putting it for the moment upon the footing that it was, and you agree that there would be a noticeable flow of admittedly about half a pint in one minute and twenty seconds?—Yes; I will take it that that is correct.

You will agree with this, no doubt, that if that was ignited, the destruction of the car would be inevitable?—Yes.

That flame would be fed by the petrol flowing from the tank. Do you agree with that?—Yes, certainly.

Increasing as the pressure inside the tank develops by the raising of the temperature?—That is a technical matter, as a matter of fact, but quite frankly I do not think there would be any pressure inside the tank, because the cap was not on.

Increased when the cork washer was destroyed?—Yes.

And in any event, from that source ignited, the car would be destroyed?—Yes.

You have heard the evidence given in this case about the fusing of the brass in the screen?—Yes.

1850 degrees Fahrenheit is the fusing point of brass, and it was engendered by that flame and maintained?—Yes.

Do you doubt yourself that that flame came from any other source than that joint?—That is rather a technical question.

Mr. FINNEMORE—With all respect, is that a question for this witness?

Mr. JUSTICE TALBOT—The witness is entitled to refuse to answer it if he likes.

*Cross-examination continued*—Leave it, Rouse. I wanted to put it quite plainly, because I am going to suggest that one of the places where you lit the car was that source?—I did not light the car. When you say "Lit the car," is it not evident to anybody that if I had lit the car, anybody, especially as you admit I have some knowledge of a car, to light petrol or petrol vapour you get a flash of a considerable degree, especially if you loosen a joint. You would have to wait a minute or so before you strike a light, and in that case you would get a flash, and in that case, being near it, striking the match, would be singed; and that is the first thing the police officers looked at, and I offered my hands in the first place.

By Mr. JUSTICE TALBOT—Do you say that you could not have lighted the petrol at the point suggested without getting your clothing burnt?—Yes, or my clothing burnt.

*Cross-examination continued*—You make the answer that you understand the problem of igniting petrol quite well?—I have lit petrol, because I have a blow lamp at home.

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You know the dangers attendant upon lighting petrol?—Yes, I do.

If that source of petrol was ignited—never mind how it was done for the minute—successfully?—What do you mean by “successfully”?

That is to say, the person doing it was not burnt or singed?—Yes.

Assuming that for the moment?—They would have to be a long way away.

Assume that for a minute. From that course you have said such a flow of petrol would come to sustain the flame?—Yes.

You are agreed about it?—Yes.

You heard, did you not, the suggestions that were made to Colonel Buckle in this case with regard to the bursting of the top of the carburettor?—Yes, I remember it.

You followed that evidence, did you not?—Yes.

And you understood it?—No, not quite. I did not follow him at all. I did not agree with his theory. I do not know sufficient about it to talk of that.

Would you answer again what you said?—As regards following the whole of his argument about following the petrol from the carburettor, I am afraid I am not fully qualified to answer those questions about that.

The moment you are unable to deal with a question because it is technical, will you please say so?—Certainly.

Will you take that in your hand. (Exhibit No. 45 handed to the witness.) That is a carburettor. Will you accept it for the moment that it is the carburettor from your car?—Yes, it is the same type.

Will you keep it in your hand for the moment. When the car and the engine are ordinary and normal, in the ordinary way of running, into that carburettor there comes a supply of petrol?—Yes.

From the tank?—Yes.

The cap is loose?—I do not know that.

In the ordinary way, I mean?—No, it is not loose.

It has a spring clip in the ordinary way, has it not?—Yes, I remember it had a little brass thing on the side. It is not loose; it would not drop off, or anything like that.

Do not think that I want to press you about technical matters which you do not understand?—Yes. If it had grit in it, I should not do it myself, but I know how to do it.

If, as a matter of fact, that cap was forced off by hand there would be a source of petrol open to be ignited if you cared to do it?—Yes, naturally.

You have heard, have you not, about the burning of the water joint in this case?—Yes.

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And the difficulty of explaining the intense fire which consumed it?—Yes.

A fire from that source sustained would produce it?—Produce the burnt joint in the front?

Yes?—If it was a Morris Minor? I am not sure whether the rubber joint is on the left or right side. This is on the near-side, is it not?

Yes. The petrol from the carburettor could be lit from a person standing in the road?—Yes, but you would get a flash in any case, and a very bad flash indeed, with the amount of petrol in there.

Where would the flash run—to the union joint?—No, the petrol would go out into the air around, I should imagine.

That carburettor body?—I should think so, myself; I have never lit a quantity of petrol. When I light the blow-lamp I always do it with a rag.

I understand that expert evidence is going to be called on your behalf with regard to the questions put as to the carburettor. I wanted you to see, as far as you could deal with it, what I want to suggest?—Yes, I can understand that.

On that night when that fire took place there was a dead man and yourself only?—Yes.

You have heard your learned counsel emphasise to the jury and say to the jury: No man can say how that car was lit?—Yes.

That could be lit in the carburettor itself by a person standing in safety outside the car?—No. You could not put the cap on it again.

Supposing the cap had been forced off by hand?—Yes, if the cap is off, it is possible, but I should not like to stand over it, in any case. I think the flame would have gone up, and the petrol. I do not know, to be quite frank with you.

A flash from there would travel to the leaking joint inside the car?—I do not know. It is possible it would, but I do not know. That is too technical for me. You are talking about the travelling of fumes.

I will leave it. It was because you introduced the word "flash" that I asked you; otherwise I should not have asked you the question. You said "a flash," and upon instructions I put where the flash would go. Let me put this short point to you. If there had been a leaking joint in the way described by Colonel Buckle, there is a supply of petrol underneath the dash, is there not?—Yes.

If the cap of that is wrenched off by hand, as it could be?—Yes, it could be. It is not a wrench; I think you simply turn a clip; I have an idea there is a little clip here.

It is a simple matter to do?—I do not know. I have never taken one off.

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You know, as a practical man, that it would be a simple thing to do?—I do not know. There is sometimes a little screw.

There would be a second source of petrol possibly to be ignited?—Yes.

In the can of petrol with the top taken off, and then put back one thread on the can, would be a further source of petrol for a fire to feed on?—Yes, it is quite possible.

You agree with that?—Yes, it is quite possible.

So that there would be the possibility of three sources of petrol being ignited?—Yes.

Do you agree with that?—Quite; and the fabric of that would catch around. I quite agree with everything—several separate sources.

I want to suggest to you as plainly as I can that you lit that petrol in that car?—I certainly did not.

And at the time that you lit the petrol in that car your companion was unconscious and perished within half a minute?—No. You are quite wrong there.

By Mr. JUSTICE TALBOT—I think you wanted to add something?—If I lit this, with my knowledge of petrol I could honestly say that it would have exploded inside there. Perhaps the expert who is being called on my behalf will tell you. I should imagine that that being a very light thing, the flow would blow it, it would be round, and the flow would blow out. As it is in there, and could not be got out, it cannot have exploded.

*Cross-examination continued*—I am going to put the technical questions to your expert when he comes, and I want to be fair and not put them to you. I only put this to you; that I am suggesting to you that yours was the hand that fired that car?—It was not.

And that at the time you fired that car your companion, picked up upon the road, was unconscious?—No.

And that he was unconscious by your hand?—No.

And that he had been thrown in that unconscious position, face forwards, into the car that you were to light?—Most decidedly not. I should not throw a man. If I did a thing like that, I should not throw him down face forwards. I should think where I put him, I imagine.

You would imagine what?—Hardly that I would throw him down like nothing. That is absurd.

If you rendered him unconscious, would you have a delicacy about his posture?—No, but I think if I had been going to do as you suggest, I should do a little more than that.

Would you?—I think I have a little more brains than that.

What would you think?—Throwing a man in a car, it does not seem right to me.

It does not look right to you?—No, I should not throw a man in, anyhow.

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Does his position make it any better if you put him in a sitting posture?—I did not know that he was in a sitting posture. I certainly did not touch the man. That is all I can say. I certainly did not knock him unconscious. I should not know how hard to hit him. I have never knocked a man unconscious.

How did the mallet get 14 yards in front of the car?—I have no idea at all; I do not know.

How did he get in the posture face downwards on the seat?—It is for an expert to say that: I do not know.

You did nothing to help him?—No.

And you lied for two days?—The lies that you put to me I will admit; yes.

Re-examined by Mr. FINNEMORE—With reference to what my friend has put to you last, did you at any time, with the mallet, or anything else, touch the man in that car or out of it that night?—No.

Did you have, from start to finish, any cause to do so?—No, none whatever.

No reason in the world?—No, no reason in the world. I have never borne malice to anybody.

Had you any reason or wish in the world to vanish?—I had quite the contrary, to be quite frank.

You were on your way to Leicester to pick up some money?—Yes.

You were intending to go to South Wales next day?—Yes.

And you had arranged to meet somebody else on the Monday?—Yes, I think that has been brought out in the evidence.

However the fire started in the car, did you know anything whatever about it?—Nothing at all.

You have heard, of course, the explanations which have been given in Court and you have heard the discussions about it and what has been said. You, of course, have never seen the car since?—No. That is hardly correct. When I came in this morning with, I think, Inspector Brumby or Sergeant Brumby, I happened to glance at it and noticed the radiator where it is burnt.

You mean the place where it is in the police station?—Yes.

I want you to tell me this now. You told my learned friend that when you saw this burning car in the road, you knew the man was inside it, of course?—I presumed he was inside it, yes.

You say that you lost your head and got panicky?—Yes.

My learned friend asked you why you got panicky. Did you know other than the fact that you did?—I got panicky because it was an awful sight to see my car going up. I have never lost a car like that before.

Then you did run away?—Yes.

When your panicky state began to die away and you began to think things out, how did you feel then about it?—Well, I felt very upset about it, of course, and I knew—

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Did you feel very proud of yourself?—No, I did not.

Did you think at all at that time that in spite of everything you might perhaps have helped the man?—No, I did not think I could possibly have saved him. I honestly think that. I did not blame myself for that at all.

When you got back to London you told us that you were going to tell the police?—Yes.

Was there any other than the one reason that you have given why you went to Wales first?—No, certainly not. They expected me, and I promised to get there, in fact I was rather worried over it.

You had had a telegram and an urgent call from Mr. Jenkins saying, as we have heard, that the lady was ill?—Yes.

When you were in South Wales, Mr. Jenkins has told us that you told him that you wanted to get back to London to see the police?—Yes.

Then it was that he arranged for Mr. Brownhill to give you a lift into Cardiff to get the coach?—Yes. I was informed of it upstairs, as far as I remember that.

When you first met the police officer at Hammersmith you said, I think, straight away to him, if I am right, "I was on my way to Scotland Yard." Is that right?—Yes.

Is the statement that you made to Mr. Jenkins that you were going to the police, and what you said at once to the police officer at Hammersmith about going to Scotland Yard, true?—Quite.

You have said that to the people to whom you spoke on the Embankment, at Bush House, on the way down, and in South Wales, you told obviously a whole lot of untruths?—Yes, I did.

And different ones?—Yes, I was not troubling to tell the same: I did not think of it.

Were you doing anything more than putting them off for the time?—I was only putting them off; I did not want to give the whole of the explanation, which meant that I should have to tell eight or nine times at least a very long story.

Of which, as you have said, you were not very proud?—I was not very proud of it.

You were going to tell the police, and you subsequently did tell them?—I should have to, you see, about the car.

When you met the Hammersmith police you told them about the officer at Markyate?—Yes, that is one of the first things I told them, to tell them that I had a man in the car.

I think you told them too about the people you saw on the Embankment, asking them for the way to the coaches, and so on?—That I cannot say. I believe I did. I should like to say definitely. I know I have told two or three people that.

You did not, of course, know their names?—No.

Is it right, to have it clear, that all this time you were carrying

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that bag with your initials on?—Yes. They were a bit more prominent than they are now.

That may be?—

You probably realise now how extraordinarily foolish all those lies were?—Yes, quite, I do.

And how extremely more difficult you were making the position?—Yes, I realise that now. I was not considering being charged with a charge of this description.

One word about the Morris Minor car. Is the opening for the door in the front or in the middle, do you know?—It is in the front of the car, as a matter of fact.

The catch, I mean?—The catch is in the front, yes.

In many cars, perhaps most, it is the other end, is it not; right by where the passengers sit?—They are in various places.

And some in the centre?—Yes, I have had one or two half-way down—all places, in fact.

You have driven a number of motors. The opening for different motors is in different places?—Yes.

And functions in a different way?—Yes, I think it is the only one that works exactly the same way as that.

With regard to the petrol can, I do not think complaint is made that you had a petrol can with you at all, but you have carried one before?—Yes, that is what I kept it for.

On a night journey is it possible to get hung up somewhere where there is no petrol pump, or one open?—It is very seldom that there is one open at night, I find.

With regard to the amount that you had, and the 30 or 40 miles that you had been in the afternoon of the 5th November, was that a journey, or a series of journeys, in London?—Yes, the outskirts of London.

I mean making calls?—Making business calls.

It may be obvious, but perhaps it ought to be asked properly, that your mileage per gallon of petrol is less than on a long run?—Yes, most decidedly.

I wanted it quite clear. You say that you let the stranger have a cigar when he asked you for it. You say now that you realise that that may have been a foolish thing?—Yes, a bit too generous, to be quite frank.

A foolish thing, while he had the petrol can?—Yes.

Did it ever enter your head at the time that you were doing a foolish thing?—No. I should not have thought he would do such a foolish thing.

First of all, to get it clear, you had in your narrative statement explained that he had asked for a smoke and you had given him a cigar?—Yes.

Later on, when you were asked a number of questions by



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Inspector Lawrence, one of the questions which he asked you was: "Can you explain how the car caught fire"?—Yes.

You appear to have said: "First of all I gave the man a cigar, which he would naturally light in some way or the other. I presume he would have a match"?—Yes, quite.

"Then how do you think the car would catch alight?" He asked you that?—Yes.

Then you made a suggestion about it and said he might have upset some petrol in the car?—Yes.

Did you know yourself at all how it happened?—No, I did not know he had upset some petrol.

You did remember, when asked to explain how the fire might have started, that you had given him a cigar?—Yes, I remember that quite well.

You remember that quite well?—I particularly remember that, because I wanted it later on.

You see that after the fire had taken place, when you are being asked how it happened, you at once thought of the incident of giving the man a cigar?—Yes.

Which he might smoke while he had the cap off the petrol can, or spilt some petrol?—Yes.

After the fire did it occur to you that if he began to smoke before he had finished filling up that petrol it would be a foolish thing to do?—It is such a brainless thing.

You did not say that to him at the time?—No, I should have thought it was unnecessary to say that to a man.

I do not know whether you remember exactly the exact sequence of events when you stopped, whether the man was out on the ground first and then the bonnet was lifted up, or whether the bonnet was up and the can lifted up, and then put in the seat? I think I was inclined to want to relieve myself first, and therefore I should put the can back first.

You left the man to do the petrol?—Yes.

You say that it cannot be done in two or three seconds. A can of petrol obviously has to be poured in slowly?—Yes, or you splash it all over the road.

Did it occur to you that the man might do it foolishly?—No. It is quite a simple thing if you are careful.

You indicated where the place was?—Yes. It is a pretty big hole.

The filler. It is a matter of pouring in the petrol slowly and carefully?—Yes. You can do it quickly, but you have to do it carefully.

Is there any special skill or knack required?—No, it is simply common sense.

With regard to the distance which you went along the road for the purpose for which you went, when you say 250 yards, have you ever been back to the spot since?—No.

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That is your estimate?—That is the probable distance—my estimate, yes.

You told us something about the mallet. You had had that some time, had you?—Yes, quite a long time.

Is it right, as Mr. Westbrooke told us, that you had had it at camp in August or September last?—Yes, I think I had.

Or some time like that?—I should have taken it in the ordinary course of events?—Yes, I think it was.

Carrying it about in your car?—I had it in the car. Whether I was carrying it regularly I do not know. I should not like to say that.

Now, with regard to what is put to you, that it is said that you said or shouted to Mr. Brown and Mr. Bailey when they went up the lane. Do you remember what actually it was at all?—No, I do not remember saying anything at all; I do not remember doing it, if I did.

Or whether your voice may have sounded hysterical?—Well, of course, I do not remember saying it.

With regard to this question of when you were on the lorry talking about cars, you did tell Pitt, did you not, that your car was a Morris Minor?—Oh, yes, I think I did, at any rate.

He said so, and it is probably right, and you do not challenge it?—No.

You have told us to-day that you remember undoing the cap of the petrol can?—Yes.

You did not get any other tools, you say?—I am certain of that.

Because they are under the passenger seat?—It would have been too inconvenient.

I think it is right, is it not—we have not got it—but on the shaft or haft of the mallet there are marks as if it had been used for undoing the cap?—I do not know that; I have not seen it.

You say you probably did use it, but you do not remember using it as a literal fact?—I do not remember taking it in my hand, but I think I did do so. That fact is the only way I could have undone the can, as a matter of fact.

There was one point put to you about your hat. I am not quite sure whether it has yet been cleared up. Do you wear a hat when you drive in the car?—Never.

Why is that?—In the first place, with the wound in my head a hat is not over-comfortable at times. Another thing is, I do not like a hat on in the car. I do not like it ordinarily. I simply wear it because it is the usual course.

Where is the wound?—*Here* (indicating).

For some time did you never wear a hat at all?—I think that is why I was put out of the Army, because I did not.

You mean you did not wear a uniform cap?—They would not let me wear a uniform cap at all.

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You mean while you were still in the Army after your wound?  
—Yes.

I wanted to ask you this other thing. You were asked something about orders and your erratic memory. Was there any particular difficulty which you had, after your wound, when you came back to business, in regard to orders?—As a matter of fact, I think there is a copy of the letter, which can be produced, where it is explained that if I happen to forget any orders they will send—a confirmation of all orders should be sent to the firm direct, to make certain of it.

That goes to show your memory was erratic?—Yes.

You had, I think, a pension up to 1920, when you had a final settlement of it for a certain sum?—Yes, I think that is right; I will take that from you.

That was owing to that trouble?—Yes, and my leg; I suppose that was a certain amount of it.

You were wounded in the leg at the same time?—Yes.

BERTIE JOHNSON, examined by Mr. ELWES—I am a sergeant in the Metropolitan Police, stationed at Barnet. On 19th January I made some measurements for the purpose of this case. First of all, the distance from Tally Ho Corner to 14 Buxted Road, *via* Stanhope Road, Grove Street, Friern Park and Ashurst Road I found to be 1720 yards, just short of a mile. An alternative route by Woodhouse Road and Horsham Avenue I found to be a distance of 1 mile 470 yards, just over a mile and a quarter. I then measured from Tally Ho Corner to a place which Constable Lilley pointed out to me near the White Flag Tearooms. *Via* Barnet and Arkley and the Barnet by-pass road I found the distance to be 23 miles 1202 yards. An alternative route *via* Barnet, South Mimms, St. Albans, and Redbourne I found to be a distance of 20 miles 830 yards.

The Court adjourned.



*[Photo. by Elliott & Fry, Ltd.]*

**Mr. Norman Birkett, K.C., M.P.**

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## Fifth Day—Friday, 30th January, 1931.

EDGAR TIPPLESTONE, recalled and further examined by Mr. NORMAN BIRKETT—I went yesterday and took four photographs of the Hardingstone road that turns off the main road coming towards Northampton. (Exhibit No. 46.) The first photograph is a photograph of the main road coming towards Northampton, taken 515 feet from the signpost, which is seen upon the left of the photograph. That is the finger-post that has been referred to as bearing the words "To Hardingstone." The next photograph is a photograph, still of the main road, taken 144 feet from the signpost in question, in which, if one has good sight, the words "To Hardingstone" can be read upon the signpost. The lane to Hardingstone is shown on the right. The next photograph was taken 31 feet from the signpost on the Newport Pagnell side of it, and it shows the telegraph posts continuing upon the left side of the road. The signpost would be on the left, off the picture. The camera was in the centre of the road, but it could not get the signpost in. The last photograph shows the Hardingstone Lane itself looking down it from the main road. I measured the roads. The main road is 21 feet 8 inches, and the road to Hardingstone is 17 feet 2 inches.

Further cross-examined by Mr. FINNEMORE—There are, of course, telegraph wires going along both roads. Looking along the road going to Hardingstone one can just see the tops of the houses in the photograph.

NORMAN RAE, examined by Mr. MARSHALL—I am a reporter attached to the London *Evening Standard*, and I reside at The Drive, Chorley Wood. I am attending on subpoena. On 7th November last, in the course of my duties, I visited Hardingstone Lane, and I there saw the Morris Minor car which was burned out. It was on the grass verge on the south side of the road facing the direction of the main Northampton-Stoney Stratford road. Whilst I was there, about 8 o'clock in the morning, I saw a number of spectators come along and look at it. The grass on the verge at that particular point was rather thick. I could see quite plainly by the charred and blackened spot on the road where the car had been burned. I examined the grass verge in front of that point going towards the main Northampton-Stoney Stratford road, and I saw the fairly distinct tracks of what looked like the wheels of a car going about 14 or 15 yards towards the main Northampton road, and a similar set of tracks coming in the other direction. I do not suggest that they were going either the one way or the other, but they were a double set of tracks of a motor car.

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By Mr. JUSTICE TALBOT—There was the path of wheels going towards the main road from a point just in front of the blackened part of the road, and there was a similar set from the edge of the blackened piece of road to roughly 18 inches on the Hardingstone side of a gully, which lay about 15 yards in front of where the car had been burned. By the edge of the blackened piece of road I mean the edge nearest Northampton.

*Examination continued*—About 18 inches on to the grass verge near the gully I saw a piece of tin. I did not measure the width of the tracks I saw.

If the burning car had been stationary on the spot where it had burned, could the marks that you saw, if made by a police car, have extended to the blackened part?—The marks that I saw could not have been made by any car while the burning car was on the road, because the angle at which the tracks went on to the grass verge was such that any car must have passed over the spot where I am told the burning car was found—where the blackened spot was. I did not call the attention of anybody to it at the time. I went again the next day, 8th November. I saw Superintendent Brumby there, and I asked him about the marks that I had seen; I directed his attention to them.

Cross-examined by Mr. NORMAN BIRKETT—I was there purely for journalistic purposes. I was alone when I went on the morning of the 7th. The reason I looked for tracks was because when I got there the general impression was still that it was the body of the accused in the car, and, in order to try to discover whether the car might have caught fire while it was travelling and the driver been burned before he could stop, I examined the road to see if I could find any marks of braking or skidding, such as I would expect to find if the tracks had been suddenly stopped.

Did you notice the tracks of the car where it came to the place where it originally stood?—I could not see any.

Were there any marks immediately in front of the car?—When I got there it had been shifted on to the verge.

By Mr. JUSTICE TALBOT—I understand you to say that you did not see any marks showing how it got from Hardingstone?—No, I did not.

*Cross-examination continued*—Nor any marks showing where it left the road?—No. What I say I saw were certain tracks on the grass verge which carried on for about 14 or 15 yards on the grass verge and then stopped. The tracks on the grass verge started about 6 or 7 inches in front of the blackened portion of the road. The blackened space upon the road, I should say, would be about 6 feet long by about 4 feet 6 inches wide, but I did not measure it. I did not measure the tracks.

So far as you know, they might have been the tracks of a Morris Oxford?—Yes.

Will you take it that before you went the police car had

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been driven on the grass verge? They might quite easily have been there so far as you know?—So far as I know. It may have been driven on there after this car had been shifted.

By Mr. JUSTICE TALBOT—The evidence was that it was driven on about 4 o'clock in the morning before this car was moved?—The tracks that I saw could not have been made while the car was still on the road.

*Cross-examination continued*—Were you present at any time when flour marks were put upon any tracks?—Yes. I should say that would be about three weeks later.

Were they the marks which you had seen?—There were still the impressions of the marks I had seen.

Was the flour placed upon the impressions of the marks you saw?—No.

Were you present when the flour was put there?—Yes, but it was not put on the tracks. When I got there I took the bag from the man, Mr. Bird, who was doing it, and I said: "I will put it in the right place for you."

What had you to do with it?—Nothing, but the man who did it came to my hotel where I was staying after I had run him out in my car.

Did he tell you what he was going to do?—Yes, he was going to mark the tracks and take a photograph.

Did he tell you that?—Yes. I was still a newspaper man, and I went there to get anything to write about.

But he told you that was his purpose, and you took him out to the place in your car?—Yes.

Did he purport to put the flour marks on the tracks you had seen, that were still visible?—Yes.

Were there any other tracks visible?—Yes, there were many by that time.

Of wheels on a grass verge?—Yes.

That was a funny place for a car to go?—No, because there were any amount of spectators going out there and drawing their cars up on the grass verge.

Dr. RAYMOND BENEDICT HARVEY-WYATT, examined by Mr. FINNEMORE—I am in practice at 46 Wimpole Street, London. I am honorary pathologist to the County Hospital of Bedfordshire and assistant pathologist at St. George's Hospital, London. On 31st December last I went to Northampton, and I there met Dr. Telling, and went with him to Northampton Hospital. We there met Dr. Shaw and Superintendent Brumby. I was shown the three hairs which Dr. Shaw had mounted on microscope slides, and I examined them myself. There was one piece about  $1\frac{1}{2}$  inches long, and two smaller ones, one about  $\frac{1}{2}$  inch and one about  $\frac{1}{4}$  inch. As regards the longer piece, I agree with Dr. Shaw that that is probably a human hair. It was without a root. I also agree with

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the view expressed by Dr. Shaw that one cannot say positively how it came off the head. With regard to the other two hairs, I formed the opinion that they were not human hairs.

Is there any reason which you can give us, quite shortly, for that?—Yes, the thickness of the central core of the hair; in these second two hairs the central core was very much thicker than is found in human hair, and very much thicker than in the long hair.

So that they had come from a different source?—I think so. I was later given a small box containing some stuff which was suggested to be excreta. I took it and examined it at my laboratory. I formed the opinion that it was excrement—fæcal material—but I could not say whether it was human or not.

Is it right to say that it may have been human or it may have been animal?—It may have been human. Dr. Telling also showed me a shirt, and I examined a stain on the inside of it. It was definitely fæcal material.

The other matter I want to ask you about, if you can help us, is with regard to the position of the body found in the remains of the car after the fire. What can you tell us about that?—Well, I think that one cannot draw very definite conclusions from the position or posture of the body when it was found. We know that great heat does contort the limbs of a burnt body, and I do not think one can assume safely that the position the body was found in afterwards was the same as that in which the body was when death took place, but I think there are some significant points about the position of the body. One is the outstretched arm; another is the prone position with the face downwards; a third is the left leg being bent sharply up; and the fourth is the right leg being extended. With regard to the right arm being up, there are two possibilities. One is that the body was put into the car while the man was unconscious, and the other is that the man was in the car when the fire started. Assuming that the body was put in the car in a state of unconsciousness, the limbs would be all inert and limp, and if the body was pushed in from the near-side door with the limbs inert, I do not see how the right arm could be stretched out. It must have doubled up underneath by the side of the body. Similarly, both legs in such a case would be extended, and I do not see how the left leg could be doubled up right underneath the body between the seat of the car and the body. Also, in that case, the right leg extended would be sticking right out of the car. It would project from the car, if I understand aright, about 2 feet or more from the car, and yet the right foot and the right leg below the knee were burned off. That suggests to me that the right leg and the right foot must have been in the car in the heat of the fire.

As regards the other possibility that the man was in the car when the fire started, and it started both literally and meta-



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phorically in a flash, he would naturally try to get out, and he would stretch out his right arm to try and open the door. He would also half-rise to his feet, and, the top of the car being rather low, he would be bent, perhaps almost double, and his face would therefore be downwards. His legs would be bent and drawn up under him until he was in almost a kneeling position, perhaps—it is all very conjectural—his left leg bent a little more than the right, and in that position he might have died, and subsequently the roof may have fallen in or something like that, pressing on his back, bending the left leg still further and extending the right leg, the foot of which had been burned off.

By Mr. JUSTICE TALBOT—You are assuming that he was right in the car, sitting down, or, at any rate, in the front of the car when the fire got hold?—Yes.

The effect of the fire would be, if he could not get out, to contract the muscles violently?—Yes.

That is to say, it would cause the effect which you see on the left leg?—Yes.

I thought you said it would be necessary to suppose that the roof pressed the leg and the body together?—We have the legs in different positions, one up under the body and the other extended. The left leg was under the body, and would be pressed still more if there was a weight on the top.

I gather that the opinion of Sir Bernard Spilsbury and Dr. Shaw with regard to this was that the ordinary effect of heat on the body after death would be to press up the leg into the position in which it was found?—Yes.

So that you would not need any weight?—No, but it might make it more so.

*Examination continued*—I was rather dealing with the fact that the right leg was not flexed up, and was extended. All this is subject to my prefatory remark, that it is very difficult to be certain about it either way, or to draw certain conclusions. Similarly, I do not think it is possible to say, from the position of the body itself, positively whether the door was open or shut. From the point of view of fire, I agree with the opinion expressed that the man might be overcome and killed very quickly. Having regard to that, if the man were inside and the door shut, it might be impossible for him, in fact, to succeed in getting out.

Cross-examined by Mr. NORMAN BIRKETT—It is possible, is it not, to draw certain positive conclusions? For example, it is clear, is it not, that the man breathed for a short time in the car?—Yes.

But a very short time?—A very short time.

Death overtook him very quickly?—Very quickly.

Sir Bernard put it that it might be about half a minute or something like that?—Yes.

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Do you agree that in all probability the man dying in so short a time was unconscious in the car?—Yes, he must have been unconscious for the latter part of this half-minute at any rate.

Do not all the facts point to the conclusion that before the half-minute began he was unconscious, but that he breathed in the car whilst the fire raged?—Yes.

Do not all the data point to the conclusion that before that half-minute began he was unconscious?—I am very sorry, but I do not quite follow why they should do. I have seen the mallet in this case. A blow from the mallet would stun.

A blow upon the skull with that mallet which stunned would not now be able to be traced because of the effects of the fire upon the skull?—No.

And, of course, it would follow that unless you broke the skin you would not have blood or other tissue adhering to the mallet?—Not without breaking the skin.

But since the fire which made the skull collapse into all these fragments, is it impossible to say whether the skull was originally fractured or not?—Impossible.

The posture of the body which has been described would lend considerable support to the view that the man was unconscious when he was placed in the car, would it not?—I do not quite see that.

Take the face lying down in the driver's seat, it would be a great difficulty to get into that position unless you were put there unconscious?—Or fell there.

But even if you fell there from a sitting posture, or whatever it may be, it would be very difficult to get prone with your face in the driver's seat unless placed there by some other human agency. Do you not agree?—I think in a small car you could easily fall into that position if you were overcome.

With a man overcome by fire while sitting in the seat, the tendency would be to collapse in the seat and not to fall prone?—If he was sitting he would fall sideways or forwards.

So that does it not appear clear that he was not sitting at the time the fire broke out?—Fairly clear.

But if he was standing?—He could not stand erect in a Morris Minor car.

If he was standing in a crouching position he could be out instantly?—If he could open the door.

If he was conscious. I want you to face this matter, because I am going to suggest to you that there is no other possibility than that he was thrown into unconsciousness. Let me take the second one, that he was standing, but not fully standing, crouched down, and he has the door quite near to him, and instantly, with a fire, he could make an effort to get out?—Yes.

He has half a minute in which to do it. He did not die for half a minute?—Yes, but he was not conscious for half a minute.

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It makes it very difficult. He was a man fully alive in the car with all his faculties. It makes it very difficult?—He lived for half a minute after the fire started, but part of that half-minute must have been taken up while he was unconscious. He was not fully conscious, and then suddenly he became unconscious and died.

We have dealt with the sitting posture; I am dealing with the half-erect posture, such as is possible in a cramped Morris Minor. Supposing that a fire breaks out, if he is on his feet, he has a very good chance of getting to the door?—Yes.

If he is turning the other way, he has a very good chance for that door?—Yes.

But we find him with his face down in the driver's seat, with the right leg extended beyond the near door. You accept that?—The right leg was extended.

Beyond the near door? Will you take it that the evidence is that it is beyond the place where the door would be?—Yes.

Heat would not extend the limb?—No, heat normally would contract the limb.

Therefore, is it not clear that that leg was in fact outside the door during the fire?—There might be many things which prevented the leg from flexing.

I am coming to that. Let me take the first fundamental thing; is it not absolutely certain that the right leg was outside the door when the fire started?—No, it is not certain.

You are not suggesting to the jury, are you, that the man was endeavouring to get out of the car feet backwards?—No.

I want to put this to you: the clear evidence is that the right leg was extended beyond the place where the door would be. That is the first position?—Yes.

The second is that heat does not extend but rather contracts it?—That is so.

On those facts, is it not quite clear that that right leg was outside that door during the fire?—Yes.

Therefore, the door must have been open?—The door may have come open during the fire.

Whatever the means or the mode, it is abundantly plain, is it not, that the door was open during the fire?—Or burned away.

And part of the body of the man was outside it?—Yes.

Let me put this to you quite plainly—with the face prone in the driver's seat, and with the right leg extended beyond the door outside, is it not quite clear that that posture must have been occasioned by the man having been placed there?—I do not think there is any "must" about it.

Before death, it is quite clear that it must have been placed there, is it not? That is the posture in which the body is found when death has overtaken him?—Yes—not when death overtakes him; after the whole fire has subsided.

When death overtook that man there was no movement of the

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man thereafter, saving contraction by heat?—There might have been.

By a dead man?—By other forces acting on his body.

Such as what?—Such as a collapse of the roof, as I have suggested.

Do you know the roof of a Morris Minor?—Not very well.

Is there anything about the roof of a Morris Minor that could possibly disturb the posture of the body?—I take it it has some weight. I do not know what it is made of.

Do you say, not knowing whether the roof has any appreciable weight, that it could possibly affect the prone posture of a man like that, lying with his face down in the seat?—It must have some appreciable weight.

Taking the canvas or fabric, is there an appreciable weight in burning fabric to take a man of 5 feet 8 inches and put him into a different posture?—No.

Then may we eliminate, therefore, the question of a burning roof, when it had almost burned away before it fell, as being an improbability? It could not possibly have put the man into that posture, could it?—No, I see that now, if that is so.

Very well; let us eliminate that. That being so, with a man dying, may we take it that the body would remain substantially in the position in which the man died? That is clear, is it not?—Yes, substantially.

Then we find, do we not, at the moment of death the right leg extended beyond where the door was?—Yes.

If that door was shut when the fire started, and the leg inside, it could not possibly have got outside afterwards, could it?—I think it could, possibly.

You have said that fire will not extend, but will contract it. Take it that the door is shut, and you have the limbs of a man 5 feet 8 inches in height in 3 feet 4 inches of space obviously already contracted—hunched up—and death overtakes him by heat, by burning, by no possibility could that leg after that get outside that door. Is that not right?—It is difficult to say that there was no possible force acting on it.

Let me put it again, because it is all-important. If that door was shut upon the near-side when the fire started, and the man was inside, if he was not sitting but was between the 3 feet 4 inches space, inevitably he must be hunched up?—Crouched up, yes.

And the effect of heat is to contract and not to extend?—Yes.

In half a minute death has overtaken that man. I suggest—and I want you to deal with it—that there is no possibility of that foot being extended beyond the door after death. Is that not quite clear?—No, I do not think the foot was extended outside the door.

By Mr. JUSTICE TALBOT—You have already said, assuming it to be true that when these remains were first found the right

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leg was extended beyond where the door was, that must have been substantially the position at the moment of death?—Yes.

*Cross-examination continued*—A limb that was originally extended when the fire overtook it, or heat rigor overtook it, in the ordinary way would begin to contract until you got the posture you have been told of here in that left leg, tight up against the abdomen, holding the clothing there?—Yes.

That would be the normal thing?—Yes.

That movement, of course, would begin very quickly?—Yes.

But if there was some object for the moment holding the limb in the straight position and preventing it doing that even during the heat, it would remain extended?—Yes.

You have heard Sir Bernard Spilsbury in this case say that the right leg coming in contact with the side of the seat would have that effect upon it. If it did come in contact with the side of the seat, you would agree?—Yes.

And supposing a man had been flung in by a man holding the right arm to throw him in, that right arm would tend to fall extended?—Yes.

That might account for the face being down and for the right arm remaining like that? It would be a reasonable explanation of it?—It would be a possible explanation.

And a reasonable one?—Yes, reasonable.

With regard to the left leg, if that leg was originally extended as was the right, there would, of course, be room for that left leg to contract as the heat worked its effect upon it?—There might be room for it to do so.

There would be, lying like that, missing the seat, if the right leg was held by the side of it—the left leg which is undoubtedly contracted by heat?—Yes, certainly.

The condition in which you found it was exactly what you would expect with heat rigor?—Yes.

And in that position, if it were free to do so, that is exactly what you would find?—Yes.

So, is it not quite clear that if the near-door was open, and if the victim was unconscious and thrown in, the posture in which the body was ultimately found is exactly what you would expect to find in those circumstances?—I understand—I may be quite wrong—that the left leg was between the seat and the abdomen of the body.

No. The left leg was contracted up so tightly to the abdomen that in the fork the clothing had been protected from the fire?—Yes.

The face was prone on the driver's seat; the right arm was extended; the left arm was underneath. I am suggesting that all those facts of the posture of the body fit perfectly those matters which I have just put—an unconscious man thrown or put into the car, who falls helplessly down with his face upon the driver's

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seat. It fits it, does it not?—Except for the extended right arm. I do not think that that is a likely position for a helpless man to fall in.

Subject to the right arm, in every other respect it fits in with a helpless man being pushed forward and falling in that way?—There again I do want to explain about this left leg. I understand it was underneath the abdomen and pressing up with the knee almost against the chest, and the chest and the abdomen were on the seat.

Yes?—Therefore the left leg was between the abdomen and the seat of the car.

If, as found, the left leg was drawn up against the abdomen in the manner I have indicated so tightly as to hold the clothing in position, the two possible views obviously are that a man put it in from outside or the man was already inside. If he was seated in the car when the fire broke out, where do you suppose he was seated, having regard to the posture of the body?—I should think in the passenger's seat.

Then if the fire overtook him you have told me that he would fall to one side?—Yes, or forward.

But not in the posture in which you found him?—Yes.

And if he was seated in the passenger's seat, the door he would try to get out of would be the near-door?—Unless that was where the fire was.

But is there any possible source of fire by the near door?—I do not know. I do not know where the fire started.

Supposing it started, for example, at the petrol union, about the middle of the car? That is just opposite the passenger, is it not?—I do not know.

You may take it it is roughly in the centre of the car. He would be seated up against the door. That is the door he would try to get out of, is it not?—Yes, if he was between the fire and the door.

Mr. FINNEMORE—Colonel Buckle said that the fiercest flame which melted the windscreen was four inches from the near side of the front.

*Cross-examination continued*—But, sitting on the passenger's seat, what he would have to do to get to the off-side door would be to go across the track of the flame. He would have to go through the fiercest part to get to the off-side door?—I am very sorry. I really want to understand you. Are you suggesting that the hottest part of the flame was in the centre of the car?

Roughly?—On the right-hand side of the passenger's seat?

Take it that the fiercest part of the flame was just to the left of the centre. Supposing that to be the case, the near-side door is the door to which he would go?—Yes.

It would destroy altogether the suggestion which has been made that in a frenzy he tried to get to the off-door?—Yes.

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I am suggesting that every circumstance here points to the first suggestion I put, namely, that an unconscious man was put through the near-door, and that part of his body still remained extended. Do you not think that is much more reasonable?—Not much more reasonable.

But more reasonable—more likely?—I do not think it is more likely than the other suggestion.

What is the other suggestion—that he tried to get out of the other door?—Yes.

What I am plainly suggesting is that an unconscious man was thrown into that posture. Do you agree or do you not?—If the facts are as you say, yes.

About the excreta, were they formed fæces or simply a formless mass?—When I got them they were very much dried up and shrunken.

It might have been a dog's?—It might have been.

With regard to the hair, I understand you are agreed that No. 1 (Exhibit No. 40) is human hair?—Yes.

No. 3, you say, is not human hair, but do you not entertain some doubt about No. 2, the root?—I still think it is not a human hair. There is no certainty.

Re-examined by Mr. FINNEMORE—With regard to the mallet, the face with which we are dealing is obviously dirty and greasy, and, in addition to that, it is irregular?—Yes.

And the edges are irregular?—Yes.

If that mallet were used in a murderous attack upon a man with a view to either killing him or knocking him senseless, would you expect to find a breaking of the skin and blood or something upon the mallet?—I think it would be more likely, but not more than that.

That is quite fair. As we know, there is no sign of anything of that at all?—No.

With regard to the question of the limbs contorting or flexing after the fire by the effect of the heat rigor, would that apply to the front part of the legs as well? Would the knee tend to flex up?—It would apply to the muscle of the calf.

If a man were lying down flat, is there any reason why that leg, instead of remaining extended, should not also turn up?—No.

Unless it is prevented by something?—Yes.

Outside the door, for the moment, would there be nothing apparently to stop it?—No.

With regard to the point about getting out of the near-side door, apart from medical questions, that depends upon getting hold of the right handle at the proper time, and so on?—Yes.

Assuming a man is perfectly conscious and in possession of his senses in a fire, would it disable him or make him unconscious quickly?—I should think so.

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Assuming, as my friend did, whether the man's foot is put on or he falls on to the seat, when you know from the photographs that all these seats have collapsed, both the bottoms and the backs, would it follow from that that the position of the body after that has happened, whatever it was before, would enable you to tell just how it had been at the time of death?—No; I said at first that I think it is very difficult to draw a definite conclusion.

When the seat collapses on which he is, however he gets there, must the body inevitably have changed its position to some extent?—To some extent.

The other point that you laid some emphasis on was the fact that the right foot near the ankle had been burned right off?—Yes.

Which you said was probably strong evidence that it was right in the car?—I think so.

Mr. JUSTICE TALBOT—If that proves anything it proves that the leg was not extended.

Dr. AUBREY LEONARD TELLING, examined by Mr. MARSHALL.—I am in practice in Northampton. On the morning of 12th November I went to Hardingstone village at 11.30 and viewed the charred remains of the body of the unknown man. I agree with the details as to the condition of the body spoken to by Dr. Shaw and Sir Bernard Spilsbury. I subsequently went to the spot where the car was alleged to have been burned, and made a search of the grass verge. At a spot along the grass verge from where the car stood I found something which, I formed a definite opinion, was excreta. I did not analyse it. I formed the opinion that it had been lying there for some days. I could not say any more. It was subsequently handed to Dr. Harvey-Wyatt. On the 13th November I went to Bedford Prison and carried out an examination of the accused. I discovered a wound on the left temple which was sensitive to pressure.

What impression did you form of the accused?—He seemed intelligent. He answered my questions normally, but he spoke a lot, and he seemed of an excitable temperament. I tested his memory, which was very vague about the matters I questioned him on. I had a shirt handed to me by the accused's solicitors. I agree with Dr. Harvey-Wyatt in his conclusions on that.

Cross-examined by Mr. NORMAN BIRKETT—Of course, whatever appears on the shirt, it is quite impossible to say when it got there?—One cannot say exactly when it got there, but one can come to a conclusion that it got there recently. It might have got there at any time he went to the w.c. It means that if the man had not wiped himself properly, that mark might appear on his shirt, and it could happen at any time. I found the accused to be an intelligent man. He answered my questions quite clearly, except when trying to supply details of what he had done. He talked a lot. He was very ready with his explana-



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tions. I thought him excitable. I have been in Court and heard the evidence all the way through. I heard the admissions which he made in the witness-box as to the number of lies that he told on the 6th and 7th.

Would you add to his qualities that he was a resourceful man?—At the time of my examination at the prison I was not, of course, able to come to that conclusion.

He was always ready with his explanations to you on the matters you discussed with him?—Yes.

Events like a blazing car in which a companion of yours of the night had been burned to a horrible death—you would remember that, would you not?—Certainly.

And all about it?—Yes.

The last thing that I think I want to ask you about is about that human faecal matter that you said you discovered. How far was the place where you found it from the burned area on the road where the car had originally stood?—It has been described as somewhere between 150 and 160 yards. I did not take any measurements. It would be just opposite the first big gate on the way to the Northampton road which is shown on the plan. [Distance measured and found to be 161 yards.] It was not possible to see the burned area from that point. If the car had been standing there one would not have been able to see it, but one might have been able to see the lights of the car. The reason why I went to look there on 12th November was because I knew the accused had said that he had been along the verge to relieve himself. I was with Mr. Lee-Roberts at the time. I agree with Dr. Wyatt that it is impossible to say if it was human. It might have been a dog's.

Re-examined by Mr. FINNEMORE—Whatever analysis may show short of a final demonstration, you formed the opinion that it was human when you saw it?—A definite opinion.

HERBERT WILLIAM BAMBER, examined by Mr. FINNEMORE—I am a consulting engineer, practising at 166 Piccadilly, London. I am a member of the Institution of Mechanical Engineers and the Institute of Automobile Engineers, and also a Fellow of the Institute of Arbitrators. I have frequently acted as referee in motor cases in the London Courts. I was formerly, before becoming a consulting engineer, works manager to the Daimler Motor Company at Coventry. On 7th January of this year I attended at the Angel Lane Police Station, Northampton, and I there saw the remains of the Morris Minor motor car which was burned. I have been in Court during the proceedings. I have certainly not heard anything in the evidence which has been given so far which is inconsistent with this having been an accidental fire. It is a very difficult matter to determine with finality the cause of motor car fires; there are many causes which may bring them

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about. Some are applicable to when the engine is running, and some to when the car is stationary. I heard the evidence which Colonel Buckle gave.

What do you say with regard to the valves working freely in their guides?—What I say about that is this, it would be impossible for anybody, by an examination of that engine, to say whether or not the inlet valves were properly closed, which was really what was required in that examination. Although the valves might be quite free and apparently moving freely, it is never certain whether or not there is carbon or some other matter under the valve, which has the same effect as a sticking valve.

Then with regard to the battery, coil, and ignition system, what do you say about that?—I accept from Colonel Buckle's evidence that he found no trouble with the electric system. The only troubles with an electric system likely to cause a fire are chafing or removal of the insulation so as to allow a spark to occur when it comes in contact with any suitable parts of the frame or the machine. As in this case the whole of the insulation was completely destroyed, it is quite impossible for Colonel Buckle to say that. He agreed when it was put to him in that way. It is not unusual to find the lower water joint burnt in fires of this extent.

Was there anything to account for this being a specially bad fire?—Yes, I think the presence of two gallons of petrol, or a can with some considerable amount of petrol in it, in the car, was a fact which increased the severity of this fire. For that very reason it does not surprise me to find all the tyres except one practically completely burned. In serious fires you almost always find the tyres burned. I agree that there was a very heavy fire under the car.

Can you say what would account for that?—Yes. I think the fabric body, to begin with. Given the fabric body with a lot of very inflammable upholstery falling down, and the floor boards at the back of the car falling out and falling on to the road, and the petrol causing burning material to fall on the road, as it must have done at some stage of the fire, all that would cause a very big fire under the car on the road. I do not think there is anything that calls for more explanation than that provides. I saw the windscreen produced, and I heard what Colonel Buckle said about it being fused in places. It is fused. I cannot think it possible for that windscreen to be fused while in its position.

A suggestion was made that a flame came out, presumably from the union joint, like a blowpipe, came up over, and burned the windscreen. What do you say with regard to that?—I do not think that is possible.

By Mr. JUSTICE TALBOT—The source of the fire, as suggested at the moment, was the petrol union underneath?—The petrol union is 4 or 5 inches underneath the tank. In order that a flame

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from there could fuse separately the top bar of the windscreen in position, it would have had to come very much further from the source of the fire than it seems conceivable to me; it could not have reached the windscreen with sufficient strength to fuse it. For that reason I think the windscreen collapsed into the fire and was fused in the fire probably. It would not necessarily have fused it all over. It might fall with the parts which were found fused just where the trouble occurred on the top of the gearbox, and it might be that there was a concentrated source of fire at that point, and that might account for it.

*Examination continued*—It is quite possible for a petrol joint of the kind in question to become loosened by vibration, but I would say this much, though, that if it is firmly and properly tightened up to begin with, it is unlikely to become loose by vibration. I have had it occur to my own car when I have tightened it myself and thought I had got it tight. It is quite possible to run a car with that petrol joint not absolutely tight without it necessarily being noticed. The deciding factor, of course, is the extent of the looseness. If you get it just slightly slack—what we call “weeping”—it may go on for a long time and you cannot notice it, but if it is so slack as to be running out, in all probability you would notice it. In no circumstances in this case would there be a puddle of petrol in the car, because, although the floor boards are covered with a cork lino, there are joints between the floor boards, all of which would set free any liquid petrol that was dropped on it. It would either go into the tray which is just behind the flywheel and under the gearbox, or if it was further back it would fall on to the road. Probably it would fall on to the road, because the tray slopes backwards. I certainly think it is quite possible for the union joint we are discussing to have got into the one-turn looseness that has been described without its being deliberately done. Assuming that the joint was finger-tight, and only finger-tight, during this journey, and that the unfortunate man who was sitting alongside the driver was fidgety, he might by accident push this union joint with the toe of his foot, because it happens it is in a position which comes right under the passenger's toe when he is sitting quite naturally. He might do that just before the time when the car stopped, and it is quite clear that he could then get a stream of petrol out, although he did not have any coming out during the previous part of the journey. I heard the accused say that on the cork lino he had a hair or coir mat. That is part of the standard equipment of that kind of car. That would act as an absorbent, and the petrol would be absorbed as it dropped on it, and would therefore give off vapour and be really in a highly dangerous condition if any spark, or anything of that sort, came within the vicinity of it. If the car is stationary and the engine is not running, there are several ways in which a spark can be obtained. The most ordinary source of a spark in that condition is the self-starter

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switch. Colonel Buckle agreed with me on that. There are also the loose terminals below the switch. They are naked terminals with a very small clearance between them on the box. In fact, by putting my knife edgeways I got a terrific spark only the other day. There are many other places where wires might get chafed and come in contact with a metal part of the car and so cause a spark. If you get a spark of that sort and there is petrol vapour about, you get a fire, and a flash fire, straight away. It is a very quick and violent fire. A match or anything of that sort would also do it. I agree with Colonel Buckle that if you have your petrol vapour and you get your exciting cause, a spark, or match, or anything else, you get a blaze all over the car almost instantaneously, provided that you have the vapour spread. I should think a person inside the car then would naturally try to get out if he was awake. The door in this car hinges at the back and opens at the front, which is rather unusual, but it is getting more usual now. In some cars the handle for opening the door is in the middle, while some press down and open out, and some turn. It is not always an easy thing for a person unfamiliar with a car to get out of it quickly. I think there can be no doubt that the cap on the filler of the tank was either off or loose. Had it been on tightly the petrol tank must have bulged or burst. It must have been off or on loosely so as to release the pressure when the fire came under the tank. It is a cap which is pressed on, pressed down and turned, and then it clips. Supposing it had been taken off, put on, and then not clipped, the pressure would be sufficient to lift it off; it would lift it like a safety valve.

Is there anything in the motor that helps you to form any opinion as to whether the tank was full or nearly full, or nearly empty?—It is very difficult to say. There are certain things, but I do not think anybody can say definitely whether the tank was full or empty. There is one point that leads one to think that it cannot have had much in it, because it seems to have been admitted that there was no fire under the engine. When the carburettor finally collapsed, if there had been much petrol left in the tank it would have run out of the pipe on to the ground under the engine, because there is no tray to stop it, and I should have expected the bottom of the engine to show signs of fire. So I rather think that there was not very much petrol in that tank.

With regard to the petrol can, you agree, I think, that the cap must have been on?—Yes, the cap must have been on. It may have been only just on, but as long as it is screwed on so that it cannot blow off, it will remain on. The difference between this cap and that on the tank is that the cap on the petrol can has a screw thread, and it may therefore be quite slack and yet not blow right off and free itself. As regards the plug in the tank, as soon as the twist down is released it is free to come right out, so the same does not apply in both cases.

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If you have a cap like that on a petrol can which is only turned once or twice, are you liable to get any leakage?—Yes, a pretty bad leak. You can even get petrol running down the side of the can. If you lift it up suddenly and set it down again, it splashes up and runs down the side of the can. I myself recently tested such a can; as a matter of fact I made that very experiment the other day. I looked at all the under-side of the bonnet. The bonnet, when closed, just comes over the top of the filler cap of the tank. If the bonnet had been closed during the fire I should have expected the under-side of the bonnet to have shown signs of a very heavy fire, a concentrated flame, owing to the petrol gas coming out of the orifice of the tank, driven out by heat. I found no such indication at all, and I am of opinion, therefore, that the bonnet was open on the off-side during the material part of the fire.

A suggestion was made to the accused yesterday, when he was under cross-examination, that he might have lighted the petrol in the carburettor deliberately. What do you say with regard to that?—In order to do that he would have had to have opened the bonnet, and if he had attempted to close it afterwards, in the face of the flash that he would have got, I think he would have been very badly burned.

He would be likely to be burned in any event in trying to do it?—I think he probably would, but that is the opposite side of the bonnet to the one we have just been referring to, and you could not open both at the same time.

The accused mentioned that, coming up the hill on the Northampton side of Hardingstone, his engine began to spit. Is that a sign that the petrol may be getting low?—It is a sign that the engine is not getting enough petrol, and that the tank is getting low. When that happens, it is certainly a reasonable thing to see if you need more petrol in your tank.

Looking at the remains of the car and having listened to the evidence, can you say with any certainty at all how this fire originated?—No. In my opinion it is quite impossible for any one to say.

Cross-examined by Mr. NORMAN BIRKETT—I do not think it would be possible to know of a more severe fire than this, because the car is completely burned, but I have known of plenty on the road quite as severe. A motor coach down on the Bath road, not so long ago, burned right down to the ground.

Of course, with a motor coach you have different factors—all the woodwork and so on—from those in a motor car?—Yes. I do not know that I have ever seen a small saloon burned down as this one was. It would be impossible to imagine a more severe fire than the fire which produced the results which I saw.

Have you had much experience of fires with regard to motor cars?—There is quite a number of cases where I have been called

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in to try and find out the reason of certain car fires, but that is all.

Your principal avocation is collisions between motor cars, is it not?—Not altogether—crane accidents, and all sorts of engineering matters.

Again, in this particular region when you are called to give evidence, it is usually upon a collision and the result of a collision between two cars?—Yes, very frequently.

As to fires in cars, you have not had much experience of that department?—Not as much as fire assessors, naturally. I myself would, of course, pay the greatest respect to the opinions of men of experience like Colonel Buckle.

You told us a moment ago that, in your opinion, the bonnet was up. Have you heard the evidence given in this Court?—Yes.

Is all the evidence to the contrary, that the bonnet was down?—I understood that it was found to be down, but that does not alter my opinion that it was in fact up. I consider that the evidence of the damage itself is such that it cannot have been otherwise, and, therefore, what people have said does not impress me as regards what I saw—what I found on the machine.

Do you still hold that opinion despite the other evidence?—I cannot say that.

Do you know, first of all, that the evidence given by all the witnesses in this case of what they found when the fire was extinguished was that the bonnet was down?—Yes, I have heard them say that.

On this particular point you would not suggest for a moment that on such a matter—the significance of which they would not appreciate—they would give evidence which was inaccurate?—I have not the slightest doubt that when these gentlemen saw it, that is their recollection of it.

It is such a difficult thing to be mistaken about. It can only be up or down or half-way up?—I entirely agree.

You say the bonnet must have been up, otherwise there would have been more damage?—Yes.

That is the only reason?—Yes.

Is this not equally a good theory about the damage, that the petrol cap was on the tank until a late stage of the fire?—No.

Would that not meet your theory?—No, because it must lift, and if it lifts you get a spray of gas that comes out, and with a fire such as this that spray of gas must have been ignited.

I understand you to say that the bonnet must have been up despite the evidence which has been given?—Yes.

Because the injury to the bonnet was not as marked as you would expect to find?—Yes.

I am suggesting to you on this matter that if you had had the petrol cap tight on the tank, until a late stage in the fire, you would not get the damage to the bonnet?—Yes, you would.

Not to the extent that you would expect if it were down in

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the fire?—Yes, because you would still get the spray of gas, but the direction of which would not be vertical; it would be mushroomed.

You used the word “fidgety.” I suppose you are adopting the word used by the accused in the witness-box yesterday?—I did not even remember that he used the word; it is my own word entirely. I am sorry if I gave that impression, but it was not intended. It must have been a mere coincidence.

What you said about a fidgety passenger with his boot presupposes every time a slack nut to begin with?—Undoubtedly, one that is only finger-tight. I want to be clear on that. I am sure you could not undo that nut with your foot if it was properly tightened up. There is no question about that.

In a new car you would expect that nut to be tight?—You would expect it to be tight, but you do not always get it tight. The pipe has to be taken off from time to time to be cleaned, and supposing a man does that and in putting it back screws it up with his fingers as far as he can, but cannot do more without a spanner, and when he gets up to find a spanner he is called away to do something else, it might go out of his mind completely. The car might go out like that, and it might not take any harm until some outside influence turned back the screw, and then you would get the trouble.

The effect of your evidence about vibration is that it must presuppose an originally loose nut?—Yes, I agree. If it were tight, I do not think vibration would loosen it.

Nor would any other cause or source that you can think of?—No, but I think I must go a little further than that. You say, “No other cause,”—no other cause short of fire or something which expanded it.

That is the very point I had in mind?—I thought you meant anything that could be done on the road. As long as you do not mean by a driver or anything of that sort, I am afraid I must accept it.

I will put it in its proper place—nothing done by a passenger or driver inadvertently would cause a tight nut to become undone?—I agree.

By Mr. JUSTICE TALBOT—In other words, it could not be loosened unless it was not properly tight originally when supplied, or it had been taken off and not screwed up with a spanner?—Yes. That is, short of the possibility of fire.

*Cross-examination continued*—I heard the accused say that he was a practical sort of man in the garage and at the bench. The petrol supply is a very ordinary and elementary thing for any driver to understand, and I should think the accused must understand it. After many years of driving he is bound to know how the petrol goes from the tank to the carburettor and from there to the engine.

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The only possibility to be discussed of accidental fire, when the engine is stopped, is really a spark?—Undoubtedly.

With regard to the chafed insulation, that must come in contact with some part of the car to make a spark—the frame or a spanner touching it?—Yes. There must have been a metallic contact between some part of the car, as you say, and this bare wire.

If you had chafing of insulating material which exposed the wires, that process must have been going on for some time in order to expose the wires to make a spark?—Yes.

And it would be an amazing coincidence that this fire was caused in that way?—It would be a coincidence, but not beyond the bounds of possibility.

I am not putting it beyond the bounds of possibility, but it would be an amazing coincidence that this fire which we are dealing with was caused by such a chafing?—Well, that is really a matter for other people than me—the question of a coincidence. It would obviously be a coincidence.

It would be an amazing coincidence that just at this moment when a man had been left in the car that spark should occur?—It is a coincidence, I agree, but I cannot see the amazing part of it.

The possibility of fire in this car from a spark is a very difficult cause to accept, is it not?—I do not think so. You have here a self-starter switch, and you have it above the footboard, and you have the carpet surrounding it. If that carpet is soaked with petrol, or even impregnated with petrol, you will find a vapour round that switch in a highly dangerous condition. Every time that switch is pressed there is a spark. That is one way, and one way only, in which this thing could have happened.

Would it not be a coincidence that the self-starter was started at that time with no reason for it being done?—It might. I mean to say that I do not know why the self-starter was or was not arrested. It is in such an exposed position that anybody might touch it quite easily. In fact, I have sometimes had to talk to my friends because I have heard the self-starter pressed when the car was running.

Do I understand that it occurred to you that the self-starter might have caused the spark and lit the petrol vapour?—Yes.

Did you know that the accused, on the evening of 7th November, said this: "In reply to that I would like to say that when I was stooping down I thought I heard the self-starter of my car being operated, in which case, if that was so, the car, if in reverse, would move backwards"?—I believe I did, but I am not quite sure whether that statement was sent to me. Whether I knew it before or after, I am not clear; on that point I am not sure. I can only add that, whether or not he had ever made that statement, the self-starter in those conditions would, in my opinion, be a very likely source of fire, because this is not the first case



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in which I have had a fire starting from the spark of the self-starter.

Does Sir William Morris know about all this?—I have not asked him.

It is a matter of very great importance, is it not?—It is a matter of this importance: if a man is foolish enough to let a petrol union leak on his carpet, then one of those little cars is a dangerous vehicle, and I do not hesitate to say it; but you have to be careful you do not get a leak on that carpet.

Do I understand you to say that if you had a leak from the petrol union which had become loose from inadvertence, and you touched the self-starter, you might get burned beyond recognition, with no chance of escape?—I certainly say that you might risk lighting the car up.

I am not talking about the risk of lighting a car up. We have to deal with this fire in which a man was burned beyond all recognition, with an intensity the like of which you have never known. Did you know, before you investigated the source of the possible fire, that the man had said, for another purpose, "I thought I heard the self-starter"?—I think I knew it, but I cannot say whether I knew it or not. I am not sure.

Is the self-starter upon the Morris Minor a fairly silent self-starter?—No, it is a noisy one. It is what we call a bendix, and when these come in there is a growl from them. When the self-starter switch is pressed there is an electric connection made between the battery and the starter motor. Therefore there is a current flowing. When you take your foot off the current is interrupted, and at that moment there is always a flash between the points.

The self-starter switch, I am suggesting to you, is a non-spark wipe pattern, is it not?—No, I do not agree. There is no such thing as a non-spark switch.

It is described as a non-spark wipe pattern?—It may be so, but wherever you get an electric current you always get some spark.

The motor manufacturers of this country have no doubt given the best mind to it that they can?—Undoubtedly.

And this non-spark wipe pattern is designed to prevent that spark?—It is the best they can do, but I have never seen a self-starter switch that did not give a spark of some sort yet.

And that spark might ignite the petrol?—Yes, it might—petrol vapour.

And if petrol vapour had been leaking for some time into a closed car you might have a very violent explosion?—Assuming the proper proportion of air was with it, you would have a very violent explosion.

And if this mat had been soaked in petrol, with petrol vapour coming from it into that enclosed space, a spark might have caused a violent explosion?—Yes, it might have done.

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It might have blown the thing to bits?—No, it would not have blown the thing to bits, because you have no enclosed space, you have no compression, but you would get a flash in any case.

What amount of air would you want?—A very small proportion. If you get air impregnated with any considerable amount of petrol vapour, you always get it.

There must have been a leak for a considerable time?—A very small leak for a considerable time or a fairly big leak for a short time. In fact, there must have been some petrol there.

And in either case most noticeable?—I do not know—not in the second case.

If it had been a small drip over a long time, so that the mat was impregnated with petrol, so that petrol fumes or vapour rose from the mat, that would be most noticeable to the nose?—Yes. That is the small drip over the long time—I agree.

And it would have been perfectly possible for any driver to see it. He would say to himself: "Hello, something is wrong. It is soaking on to my mat"?—If he was a prudent man he would have found it in those conditions.

The big leak would only take a short time, and that would be seen?—No, not in the dark. You cannot see your feet. You might, if you looked down, see it from the dash lamp.

Those conditions could not come about without their being known?—The last condition could have come about in the circumstances of this particular case if it had not occurred until after the car had stopped.

Would a match struck to light a cigarette in the car have had the effect?—No, I think not. It depends on the amount of vapour rising from the mat. It would light much more easily at the switch than from a match further up.

Would it ignite by a match?—Yes, it would ignite by a match. I am not suggesting that the mat had been soaked throughout the journey. What I say is that there is a possibility of that taking place after the accused left the car.

No traces of a mat have ever been found?—I should say not in the circumstances.

I am right that this possibility is put before the Court, that a spark, occasioned by the sparking of the self-starter, ignited petrol vapour which had come upon the mat in the car?—Yes.

It is a bit far-fetched, is it not?—I do not think so. I say that it is quite a possible and likely source of fire.

No man who valued his reputation could say in this Court that a spark in a car is not possible, could he?—No, of course not.

But what you have to add to the possibility of a spark is a spark operating at that moment, and petrol vapour which had come from a mat upon the floor?—Yes.

And in both cases that mat upon the floor getting soaked must have been known to the driver of the car?—No, I deny the last entirely.

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Or should have been known?—No. I am afraid you have not followed my last answer, which was this: if this union were finger-tight throughout the journey, and there was not any material leak, it would not be known. If this man gets out of the car and goes away, and his passenger succeeds, by touching it with his toe, in opening this union, the soaking of the mat would occur, and the man who had gone out of the car would have no knowledge of it. I am only saying that that is a possibility; I am not going to say it is so. I am telling you how it could happen in that way.

Would you expect in the ordinary way wires in a car to chafe?—No. The chafing of the wires, I say quite frankly, is to my mind a very unlikely cause in this case.

Is it brought down to this, that the only possibility of a spark is if a spark came from the self-starter?—No; there is another possibility. The other possibility is the terminal below the self-starter, where what we call the live wire is fastened on to the self-starter. If that terminal was loose, it is an exceedingly dangerous thing, because you can get a spark very easily.

When a new car is turned out from the factory it is the business of the manufacturer to see that those things are not loose?—It is.

And you are putting it if it was loose, which is a pure speculation?—Yes, all this is pure speculation.

You cannot exclude possibility?—Of course not.

And what you are telling us just now are the extreme realms of possibility?—I do not take it as far as that. I say that they are quite possible cases. Leave out the word "extreme."

In a new car you would not expect it to be loose, therefore you are talking of a possibility that was on the whole unlikely?—Yes, I will go that far.

Coming now to the petrol union, would you look at Exhibit No. 34? I describe it as akin to or acting as a self-locking device?—Yes. On the tank the union is made of copper and brass. Copper is a softer material than brass.

Do you say that the best wisdom of manufacturers to get a tight nut has been ridiculous, and you know where they are all wrong?—No, I do not. I say it is a perfectly satisfactory form of union, the best that we can get, and it is perfectly all right as long as it is kept tight; but it is in no sense a self-locking device or attempted to be.

Is it the purpose of manufacturers to make that joint as secure as possible?—It may be.

Is it highly important that it should be as secure as possible?—Yes.

Is it, in view of what you have said, a vital thing to have it as tight and secure as possible?—Yes, I think it is.

And have the best brains in the engineering world of this country been employed in the designing of connections?—Cer-

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tainly, and successfully, because when it is done tight it does not become loose.

When the nut is screwed tight, may we take it that your evidence is that it is highly unlikely that it will become loose?—Certainly it is.

And to get it a whole turn loose would need a spanner?—Provided it was tight to start with, yes.

To talk of it being finger-loose is merely to speak of a degree of looseness which must have been occasioned mechanically by a spanner?—Yes, either deliberately on this man's part, or the last time it was put up.

And if it had been done by the foot it must have been mechanically loosened to start with?—If it was tight. In a new car one would expect it to be tight if the man did his job properly.

If we are told that this car had done 15,000 miles, and that the accused had had it five months, that is 3000 miles a month. That would indicate an experienced motorist?—An experienced driver, at any rate.

And any defects which had revealed themselves, he should know about?—Yes, he ought to in that time.

By Mr. JUSTICE TALBOT—If it had not been turned out of the works with the joint properly tight, it would have declared itself by that time?—Yes, in the first instance, but they have to be taken down from time to time, as I said before.

*Cross-examination continued*—In the case of a car which had been driven upon the road 15,000 miles, at the rate of about 3000 miles a month, with a man who had been driving cars for years, and who knows about cars in a practical and general way, he should know any defects in the car?—He should do with a good experience.

With regard to the joint, a whole turn loose would make a palpable flow?—Yes, if the pipe is shaken so as to clear it. I tried one last night, tightening up and then loosening the nut without shaking the pipe, and I got no trouble at all, but by shaking the pipe you could get it.

It is clear with a whole turn loose there would be a fair supply of petrol from that source until the amount in the tank was exhausted?—Certainly.

With regard to the windscreen, we are agreed, I think, that 4 inches on the top and 6 inches on the bottom of the near-side on the passenger's side are fused through?—Yes. I agree that it requires intense and sustained heat to do that.

Would it be right to say that it is largely the effect that might be produced by a blow-pipe?—Yes.

Do you yourself doubt, however it originated, that that flame by which that frame was fused was fed from the union joint?—In all probability it was, but may I take that further?

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Certainly?—We have a fused gearbox top, showing there has been concentrated fuel at that time. That might, of course, have come from vaporisation of the oil in the gearbox, but I do not think so; it is probably petrol. If this screen had fallen as suggested, this is just about where it would have come.

By Mr. JUSTICE TALBOT—You say that in all probability the flame which fused those so as to cut them through, as it were, came from this joint that Mr. Birkett was dealing with?—The original fuel probably came from it.

But, as I understand you, not when the windscreen was in position?—No, I do not think so, because it is so far away. I do not think it would be possible to get a sufficiently strong flame. We cannot be sure, but that is my opinion.

*Cross-examination continued*—About the possibility of a fidgety passenger loosening the nut, we are agreed that if it was tight, as it ought to be, there would be no possibility?—I think so, yes; but if it was slack or finger-tight, there are possibilities of it being moved.

We are agreed about this, that if it was finger-tight, and the motion of the foot did occur in the right place, it could slacken it?—Yes.

But if you did slacken it after it had been finger-tight you would get a fair stream of petrol?—Yes, depending on how far you slackened it.

We are told that one turn would produce half a pint of petrol in one minute and twenty seconds?—I do not question that at all.

That, of course, is a very considerable flow?—Yes. I heard the evidence given by Colonel Buckle. I agree that the gearbox top was fused from apparently the same source of fire. I heard him say that the two lugs upon the flywheel case were unfused.

Would that indicate that a fierce flame had not come that way?—It would not indicate that no flame had come that way, but it would indicate that the fierce flame was nearer to the passenger, nearer to the middle of the car. (Handed Exhibit No. 45, the carburettor.) I heard the evidence given by the accused yesterday to the effect that the top can be forced off. It is quite clear that it can be. There is a pin down the middle which at the moment is bent. If it was forced off from one side there would be a tendency to bend the pin. Inside the float chamber of the carburettor you have petrol, which is fed from the tank coming down the tube through the joint. The body of the carburettor which I have in my hand is in part fused. The part where it is fused is above the normal petrol level. The float chamber cover is normally above the petrol level. It is not fused in this case. That is very important.

Not even the edges of it?—No, I do not see much trouble there.

Does that indicate to you that that cover was not upon the carburettor when the carburettor body fused in the places it is fused?—It looks as though that must be so. Assuming that the

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cover of the carburettor was prised off, the pin bent, and it was then dropped, that would explain why it is not fused, although part of the body is. The removal of that cap would permit the carburettor body to flood continuously and freely; there would be nothing to prevent the petrol from running freely down from the tank. That petrol in the body could be ignited from outside if the bonnet were open.

If you ignited petrol standing on the outside of the car at that place you would get a fierce flame?—Yes, you certainly would. The lower water joint in this case was burned through. It was a very intense and sustained flame. The radiator was absolutely disintegrated. I think that was probably due to bursting; I think the radiator burst, as a matter of fact.

At any rate, it is to be seen as a thing that is absolutely destroyed?—Yes, there is no doubt about that. I do not know whether the radiator cap was blown off; I have not seen it. It was not there when I saw the car.

That burning of the water joint would be quite consistent with a source of flame at the carburettor?—Yes, I think so. It is quite possible, but I might add I do not think it would be necessary to get petrol on that joint to make it burn. I mean that that bottom water joint, as a rule, is so soaked with oil that you can burn those joints without necessarily spraying on petrol.

At any rate, you have had it so ignited as to burn the water joint?—Yes.

Would this be right: with petrol ignited at the carburettor by a man standing outside there would be a flash down to the union?—Yes, probably.

And if there was a leaking joint one whole turn loose, with half a pint of petrol coming through in a minute and twenty seconds, you would have two sources of sustained, continuous fire?—Yes. If I may, I think I must tell you why I do not think that this was taken off and petrol allowed to run out there. Colonel Buckle tells us that there was no fire under the engine. If this had been taken off and petrol allowed to run out from the carburettor, at some time there must have been a fire right under the car. That is my view.

If the union joint had been one turn loose, you would not then be getting the fuel flowing into the carburettor?—I entirely agree.

That would, of course, minimise the fire there to some extent?—Yes.

By Mr. JUSTICE TALBOT—You say that if the petrol had run from the carburettor it would have got under the engine?—Down on the ground and under the engine, I think.

*Cross-examination continued*—Having regard to the fact that the union was a turn loose, we are agreed that the flow for the carburettor would be diminished?—Anyway by the amount that came out through that hole.

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Herbert W. Bamber

And, dependent upon that, the fire would consume the petrol as fast as it was sent to the carburettor?—It is possible.

And in that event you would not expect to find the burning underneath the engine?—No.

So we are agreed that from the carburettor, if the top was prised off, and from the leaking joint there would be two sources of petrol which might provide a continuous, sustained flame?—Yes.

And we are agreed that the injury to the car, the destruction of the car, indicates a sustained flame fed from some source?—From some source, yes.

And the injury to the car is consistent with the sustained flame from those two places at least, the union joint and the carburettor?—Yes.

Something was said about the possibility of the carburettor cap being blown off by explosion. It could also come off by being pulled off?—Either way.

If it was blown off you would not expect the pin to be bent, would you?—If it was blown off with sufficient force to throw it off at all it might even bend the pin.

Explosions are of two kinds—a vapour pressure in a closed container acts on the boiling of a liquid, and, secondly, the explosion of explosive vapour?—Free vapour, yes.

Pressure explosion is not possible in the float chamber, because it is a non-gas-type cap, and has an outlet in the base via the petrol pipe?—Yes, but it is a very small pressure.

Well, pressure to the brass petrol down pipe?—Yes.

It has outlets by the jets there?—Yes.

Through the manifold?—Yes.

And I suggest that pressure by explosion is most unlikely?—It is not impossible. It is unlikely. I will go that length.

I suggest to you that the explosive vapour in the float chamber is quite impossible?—Yes.

Does it not come to this: it looks on the evidence as though the cap was taken off by hand?—From what I saw it is probable. It is not probable that it could be blown off, and, if it has come off, somebody has taken it off.

I want to put a third source of fire to you—the petrol can. You have heard the evidence that the filler cap of the can was at one time taken off by the accused?—I have heard so.

And that it was replaced one turn, one ring on the thread, and placed upon the driver's seat?—So I heard.

Such a can, in such a condition, in such a place, in a fire, would be a third source of petrol?—Yes.

Do you doubt that the burning off of the back of the car, as you have seen it here, came from that source?—I think it did. I agree that there were the three sources which fed the flames and destroyed the car—the carburettor, the union joint, and the petrol tin.

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Herbert W. Bamber

Therefore the only difference between us, and about which you say you cannot help us, is as to how it was ignited?—Quite.

It may have been ignited by a match by somebody standing outside the car?—Yes.

By Mr. JUSTICE TALBOT—All three?—No; I do not think the petrol can would be ignited in that way. I mean the ignition which would carry on to them all.

*Cross-examination continued*—If it was led from the outside to the carburettor the result would be to light the other sources in due course?—It would flash down to the union, cause burning of the car, and the third source of petrol.

If you were going to destroy a car as fully as you could, no better method might be devised?—Well, I do not know. I do not think you could devise any method for making a more complete burn-out in the circumstances than you have there.

May I put the second thing: no safer method could be devised for the man doing it?—I should not think so.

You heard the evidence of Colonel Buckle about the oil gauge nut and matters of that kind. They would all confirm that view, would they not?—I think they are all matters that nobody could be certain about. When a petrol fire of this sort starts, it is impossible to say exactly what happens.

I want to ask you a question or two about the burning underneath and the point about the body falling. What would happen in a fire of that kind is that ultimately the springs would go?—Yes, they would give way. The springs in this case had lost their temper and become bent, but they had not collapsed on to the ground. The chassis is partly on the wheels, but the back has gone down.

You said that you thought the body had fallen?—Yes, I think the burning footboards and upholstery and all that sort of thing had gone down.

You do not dispute the view which Colonel Buckle put forward as to the intensity underneath?—I do not think that is possible. I go so far as to say it is impossible.

By Mr. JUSTICE TALBOT—You do not think the petrol itself could get below the car?—That is what I mean; I do not think the petrol could get below the car as petrol.

*Cross-examination continued*—You could not have fused the back axle with the same flame without it was fed from petrol, could you?—No, but if as I say the floor-boards fell and you also had a supply of petrol coming from that spare tank at the back and drenching the stuff underneath you would get that. It would be a petrol-fed fire.

It is clear that if you had not a fed fire like that, by the time the body had got to the stage where it dropped it would be nearly burned?—Yes, on the point of burning out.

That is why, in order to produce the results you had, you must have had a petrol-fed fire underneath?—Yes.



## Evidence for Defence.

Herbert W. Bamber

It is not your main job to deal with fires?—No, it is not.

I daresay you put forward any views you have with considerable diffidence?—No, I do not. They are my views, otherwise I should not put them forward.

You do not put them forward with the surety that you would put them forward in a collision case?—I do. I think on my side I am as satisfied as I should like to be in a case of the sort you are setting up.

I think we can leave it like this: you do not profess to be an expert on fire?—No.

Re-examined by Mr. FINNEMORE—You were described, when we first started, as an automobile engineer, a consulting engineer, particularly concerned with motor cars?—That is so.

You have dealt in your evidence with the things that might happen to the car in particular before the fire, as well as necessarily after?—Yes.

Looking back on the whole of your evidence and considering the matter quite definitely and seriously, is it possible now for you or anybody to say with any degree of certainty how the fire started?—Certainly not.

Or for anybody to say that it was not accidental?—Certainly not.

You said quite frankly in answer to a number of questions which were put to you by my learned friend, suggesting that it might have been done deliberately, that that is possible?—Yes.

No one can say otherwise?—Oh, no.

On one or two of the points that were dealt with, my learned friend was rather putting it to you that it would be an amazing coincidence that you should have some petrol vapour at the same time that you got a spark?—Yes.

I suppose, if that is true, there would never be any fires in motor cars from vapour ignited by a spark?—Of course not. The two things are bound to be together to make a fire.

Is there anything so amazing about it?—I could not say that there was, as I think I told Mr. Birkett.

You might have your spark day after day, or week after week, and have nothing happening at all?—Quite.

Until the occasion on which there happened to be some petrol vapour available?—Exactly.

That is assuming, of course, that that is how it started?—Yes.

You cannot say for certain that that is a possible way?—No.

You did tell us that it was not the first time that you had had experience of a fire which apparently did come from a self-starter?—I have had that.

Has the normal case of fire—and when I say “normal” I am dealing with what is, of course, always the exceptional case of fire, when it does take place in a standing car—something to do with wires?—As a rule.

# Alfred Arthur Rouse.

Herbert W. Bamber

Or, as you have mentioned, the self-starter causing sparks?—Yes.

It is a spark in each case, or it may be?—Yes, in both cases it is a spark.

On the other point about the union joint and the petrol pipe, is it within your knowledge from your own experience that these joints do get at times slightly loose, from vibration?—Yes, in the circumstances which I described to Mr. Birkett.

As you have told us from time to time, that joint is actually undone and has to be taken down?—Yes.

Is it within your experience that small leaks and weeping joints do happen and do carry on sometimes for some time without being noticed?—A long time, very often.

With regard to the position of this in the car—referring to Exhibit No. 34—there is one thing that I wanted to make clear. Actually it is not dead parallel with the front of the car; it comes out a little distance?—Yes. The pipe slightly slopes towards the dash.

Have you tried it yourself, sitting in a car?—Yes, I find I can freely move it with my toe in certain conditions.

Is it a perfectly natural place for the toe to be?—Yes, perfectly natural.

One might be stretching one's legs a little bit. Can you stretch them far in a Morris Minor?—They are fairly roomy, but it is a comfortable position for the right foot.

About the brake and the gear lever, or the gear handle, those are some appreciable distance away, are they not?—Yes, they are higher up than that. That bend is below the tank, and they are higher up, at hand level.

Those might be in the way of the driver's left leg getting to that?—The driver's left foot could not get near it; it is quite impossible for that to happen.

Would there be any obstacle at all to the passenger's right foot?—Not in the least.

With regard to the carburettor, you have there a bent pin. You said it might happen if it were blown off?—Yes.

It is now more than three months since it happened, and you naturally do not know what has happened to it in the meantime?—No.

You said something to the effect that you did not know whether the radiator cap had been blown off or not. Did anything turn on that, in your opinion?—No.

I want you to take this photograph before you; it is a photograph which will be proved in due course. Does the radiator cap there appear to be screwed in?—It does. It is all in position.

The other general question is this, however the fire started, or whatever started it, it was a bad fire?—A very bad fire.

# Evidence for Defence.

Herbert W. Bamber

Having regard to the petrol can inside, and the nature of the body, being a fabric saloon, is there anything in that which leads one at all to say what originally happened?—No, nothing whatever.

ARTHUR ISAACS, examined by Mr. FINNEMORE—I am managing director of the Bramber Engineering Company, Limited, of Cricklewood, London, manufacturers and specialists in the heat treatment of metals. I am an engineer and fire assessor, and I have acted for insurance companies in numerous cases for more than eighteen years. I have had a very vast experience of assessing damage in connection with fires to motor cars. I had nothing, however, to do with this case until two days ago, when I read a report of some of the proceedings, and I thought I had certain information and experience which I ought to bring before the Court. As regards the loose nut on this joint, the idea of the manufacturers in making that, as we term it, a male nipple, all in one piece with the pipe, is for cheapness. It would not be used on an expensive car. A better method is to have the brass nipple either brazed or sweated on to the pipe. I heard the point made that, one being brass and the other copper, when they were tightened up, the softer metal would compress and make a better union. I agree with that. That happens the first time, and it also happens the second time, but not with such effect. The effect gets less and less as it goes on, because the metal is becoming compressed.

With regard to the finding of that nut a whole turn loose after the fire, what do you say?—I say it is invariably found at all fires that have been very intense that these nuts are loose. As a matter of fact, I go so far as to say that in the last twenty-five cases that I have done, where the fire has been intense, these nuts have always been loose. By that I mean in consequence of the action of the fire; it might have been absolutely spanner-tight before the fire, or slightly loose, but over a long experience I have practically always found that as long as the fire has been round this particular nut you get that effect. As a matter of fact, I was inquiring into a case at the time that I read about the one with which we are dealing; I left London on Tuesday morning only to go to a fire case.

By Mr. JUSTICE TALBOT—It is a most important factor. I understand you to say that that is an invariable feature of an intense fire?—Yes.

You will not get anything stronger than that?—As long as there is sufficient heat round that nut. It is for that reason that I infer that it is caused by the heat.

*Examination continued*—Mr. Cotton, a consulting engineer, of Manchester, was concerned with me in the other case I referred to. He met me in Manchester to consult me on that case. He has also come with me to-day.

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Why is it that it is loose after the fire?—It is owing to contraction. Although you have that nut spanner-tight, when there has been great heat round it there is the effect, on even the thread, of stretching. You get distortion of all metals in cooling off, and that accounts for it in these cases where I found that the nut was sometimes a quarter of a turn, half a turn, or as much as three-quarters of a turn loose.

By Mr. JUSTICE TALBOT—It is due to the distortion of the thread cooling after expansion by the heat.

*Examination continued*—I have had an opportunity of examining the car in this case.

Supposing that the nut on the union is, in fact, tight, is it possible to get anything in the nature of a weeping joint?—Yes; you get that very frequently.

Why? What happens?—It can be through having a bad seating on the taper. Furthermore, in this case, being a soft metal, if any one had at any time put it on in a hurry and damaged any of the metal at all, then you would not have a good seating, even although you pulled it up dead tight. It is very difficult to say whether anything of the kind has happened here or not. I do not think so, really. I have had a look at the car with the view of seeing if I could find out how the fire could have happened.

Is there anything which would enable anybody to say how it happened?—Impossible.

It would follow from what you have told us that, while the fire is on, that nut would be either tight, or practically tight, as it was before the fire?—Yes. The slackening only comes after the cooling off. I also examined the windscreen.

The suggestion made, as you know, is that a flame from the union nut, acting like a blow-pipe flame, caused that fusing in those two sides of the windscreen frame. What do you say as regards that, in your opinion?—I would like to make certain of this. Is it stated that the flame from this union itself caused the fusing of that windscreen?

That is how I understand it is put?—I should say it is practically impossible.

Why?—Because the flame would have to practically assume approximately a 45 degrees action, and it then has to take a right-hand turn. That is to say, your blow-pipe effect has to follow the tank to get under this windscreen, because you want the flame very severe. You have to have a pretty good heat on that to fuse it. I say that it is impossible for a flame to take that course, even allowing that you had a greater pressure than you could ever have in a petrol tank.

I do not know whether or not you can help us by suggesting how that windscreen frame did get burnt?—Personally, in my experience I had had a lot of fusing of windscreens, and, generally speaking, it takes place after they collapse into the body of the

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car. Of course, we do not get a lot of fusing of windscreens when the petrol tank is at the back of the car, but we can get it when the petrol tank is under the car.

What sort of flame would you need to burn the metal through like that on both sides?—Very severe heat. It is not necessary to have, shall I say, a blow-pipe concentrated heat on it. The result of this fire would be quite sufficient to melt that.

When you say "this fire" you mean from the description given of it?—Yes.

By Mr. JUSTICE TALBOT—If you dropped the whole of that into a sufficiently intense fire, the whole thing would be fused?—No; it all depends where the flames are.

What I asked you would be true, would it not?—No, it would not all fuse.

If you dropped it into a steel furnace, the whole thing would fuse?—Yes.

The whole point is first of all the fact, and secondly the situation at which it is fused?—I do not see how it could be fused in its position. The frame is still intact, but the glass is gone. In that kind of car the windscreen is not steel. It is ready to fall from the body of the car on the slightest provocation.

*Examination continued*—Are you able to say anything from your experience about the burning of three of the four tyres?—We find that practically in every case. The fires on the roadside are ground fires. We call them terminating ground fires. It is not even necessary for the flames to be right up against the tyre for it to be demolished.

With regard to the general nature of the fire that took place in the car, can one draw any safe deduction or inference from that?—It is frightfully difficult, really, to say how the fire began. Generally speaking, in a fire to a car of a similar description we have definitely more or less had a certain amount of proof that it has taken place by a short circuit at the switch. In fact, in some cases it has been known for a short circuit to take place and the wires to become red-hot. I have heard that a petrol can was also in the car. I also have heard it said that evidence was given about the man being found with one leg projecting outside the car.

Supposing the door had been open, as has been suggested, is there anything to explain how the fire might have happened and the man not be able to get out?—Yes; I think there is an explanation that can be put forward, and that is this: the man got out, or was out, of the car on the near-side; he might be smoking a cigarette or a cigar, and he decides to put the petrol into the tank. I think his most natural way of going to it would be to put his left knee on the seat.

You are assuming now that the petrol can was where the accused said it was, on the driver's seat. You are making that

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assumption?—Yes, that is right. He puts his left knee on the seat of the car and rests his hand on the steering wheel to pick up the can from the driver's seat. Lifting the can up it is possible that he overbalanced and fell forward on his face, with the result that the petrol—I am assuming that the top was fairly loose—was spilled over the place—a good deal of it—and from what he was smoking, a cigar or a cigarette, the fire would take place. The cigarette or cigar would ignite the vapour which would be made the moment the petrol mixed with the air. It would be a pretty furious fire.

Whereabouts would it, under these conditions, strike the unfortunate man?—A lot depends on where the tank was. He might have it thrown all over his clothes. There is no accounting where it would be. If the tank was fairly high, the can might be on top of him after he had fallen forward. I agree that you do get an ignition of petrol vapour, and with petrol vapour about the blaze is instantaneous. I also agree about the coincidence that there has to be in order to get a fire when a car is stationary. You would not have a fire if you did not have a coincidence.

As far as you know, is there anything at all unusual in getting an accidental fire from a stationary car without the engine running?—Oh, no.

Cross-examined by Mr. NORMAN BIRKETT—What is the co-efficient of the expansion of brass?—I am afraid I cannot answer that question off-hand.

If you do not know, say so. What do I mean by the term?—You want to know what is the expansion of the metal under heat?

I asked you what is the co-efficient of the expansion of brass? Do you know what it means?—Put that way, probably I do not.

You are an engineer?—I dare say I am. I am not a doctor, nor a crime investigator, nor an amateur detective. I am an engineer.

What is the co-efficient of the expansion of brass? You do not know?—No, not put that way. My company deals with the heat treating of metals. We make commercial laminated springs, car laminated springs, forgings, and all types of parts. We employ about 70 people. I do not have any degrees. I have had training as a fire assessor.

Where?—Well, all over the place—in South Africa and in this country.

Let us take South Africa. When was that?—Prior to the war. Subsequent to the war my experience was in this country. It was not with my present firm; it was with insurance companies. I started through an insurance company employing me. I had to assess the damage of the fire and try to locate the cause of it. I still do that. I do it as part of the firm's work. The firm are not fire assessors.

Do you mean that the insurance company go to a limited

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company engaged in spring manufacturing for fire assessing?—Long before I got to that firm I was assessing. I have been managing director of the Bramber Manufacturing Company since 1920. I have done fire assessing since 1919 for the Bramber Manufacturing Company. I had a case on Tuesday last.

When it is done, is it part of their business?—No.

I asked you a moment ago whether it was a private matter or part of the firm's business?—It is part of the business. I mean it is during their time that I am doing it.

Who gets the benefit of it?—The firm. I could not tell off-hand how much they got from that source last year, 1930, but I should think about £400 or £500. I would probably attend personally to 15 to 20 fires. They were all motor car fires. The majority were roadside fires. It is not the case that the roadside fire is the exceptional case. I do not agree that most of the motor car fires occur in garages and buildings. If you have a fire in a building, you have naturally more cases to deal with, because there are probably more cars in the building.

You understood the question. I am suggesting to you that the roadside fire is a less common case than the fire in the garage. How many of the 15 to 20 last year were roadside fires?—I could not be sure.

Did you not look up your records before you came?—I do not think I had much time. I came post-haste. I arrived here on Wednesday, and I have been in Northampton since Wednesday evening. I have been in consultation with my colleague, Mr. Bamber, and I have discussed the matter with him. I heard some of the evidence that has been given. I did not hear the evidence of Colonel Buckle.

Surely Mr. Bamber told you what the experts on the other side had said?—I cannot say he has told me everything that has happened. I got some from the papers.

When you say that you have had a "very vast experience," does it amount to 15 to 20 cars in 1930, and the number of roadside fires you cannot name?—I say the majority of those fires I have attended are roadside fires.

Did you ever find a loose union joint as the cause of the fire?—No, I could not say that I have.

Would the insurance company you advised pay if you had found it?—They have done, in every case.

Where did you find a case?—Of a loose union?

Yes?—In every case.

Tell me the last?—Tuesday.

Have you a report?—Yes, but I do not have it with me. It was Tuesday of this week.

I am asking if you have a case where there was a loose union joint as the cause of fire?—I have no definite proof of such a thing.

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Arthur Isaacs

That is what I put to you before. I understood you to say that after a fire you had seen cases where the nut was loose?—Yes.

Mr. JUSTICE TALBOT—It was much stronger than that. He said, "In every case." He said in every case of intense heat this particular nut will always be found loose.

*Cross-examination continued*—Is that what you really say?—That is correct. I think the melting point of brass is about 1800 degrees Fahrenheit.

If you take half an inch of brass and you heat it up to 1500 degrees Fahrenheit, what expansion would you get?—I would not like to say.

Let me put it to you as an engineer that you have a small brass nut. Do I understand you to tell the jury that intense heat will loosen it?—No, the nut will not move from its position at all. The heat will not loosen the nut; it is the mere fact of its stretching. By "stretching" I mean expanding by heat.

If a nut is loosened, is it loosened because it is expanded by heat and so enabled to be loosened?—That is right.

Therefore, do you not think it very important in telling a jury in so important a case that conclusion, that you should know, within limits, how much brass expands when subjected to heat?—I do.

But you do not know?—Yes, I tell them I do not know.

You come here, I understand, voluntarily. You arrive on Wednesday, and on Friday you tell the jury that a nut will be loosened by heat, and you cannot tell them how much?—I cannot tell you that. I will put it in this way, that the expansion and the looseness of the nut can also depend upon the thread of the male in this case. This is a coarse thread, and then you have a fine thread. [Shown the nut and referred to the thread and cone.] The cone is put into the hole?—That is right.

The nut remains upon the thread?—That is right.

The heat would expand the thread?—Yes, both threads.

And the nut?—Yes.

When the heat subsides they will contract?—Yes.

And the position would be as they were before?—Oh, no.

They are both expanding?—Oh, not exactly. It does not come back to its natural place.

Do you say that one does and one does not?—I say that they do not get back.

Why?—For the simple reason that I have found it so.

You are an engineer, assisting the jury as an expert witness. Do you tell this jury, as an engineer, that if you put metal, as I have described, nut and tube, one will expand and one will contract?—One will contract more than the other.

Which?—The nut.

Why?—Because one is inside and the other is outside, allowing more room.



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If that means anything at all, it means it ought to be tighter and not looser?—No, not necessarily at all.

I am not talking about what is necessary. Is it not the inevitable conclusion from the answer you gave that it would be tighter after the fire than looser?—No.

Will you explain why not?—For the simple reason that this being tight—hard-tight—one being in the thread of the other they will move together.

You will say anything you desire to, but did you tell me that the nut would contract more than the thread?—Very slightly more, yes.

Never mind the degree. Is the conclusion therefore that if that is true the joint will be tighter?—No.

Because the nut making the tightness has contracted more, and therefore compressed more the metal underneath it?—It may be tighter on the thread, but not necessarily that tight.

Do not complicate it by degrees of tightness. I am taking the principle. Have you told the jury that the nut, in your view, will contract more than the thread?—Very slightly more.

Did you add, after I cross-examined you, “very slightly more”?—No, I do not think I did.

If that is right, if it is very slightly more, then by so much more is that nut tighter when contracted and cold than before?—No, I say not.

Have you said to the jury, as the main point of your evidence, that as the result of your examination in all cases of intense fire, you have found this union, so important in this case, invariably loose?—I have.

Does the nipple pass into the opening?—It does.

And is it tightened by a brass screw upon the thread?—Yes.

The effect of heat is to expand metal?—That is right.

There comes a point when that metal melts?—That is right.

Therefore, the only possibility of expansion is up to the degree of fusing point?—That is right.

You cannot tell me how much it expands?—No, I cannot.

Does the nut expand more than the thread?—Very slightly more.

Does it contract more than the thread?—Yes, I think it would—slightly more.

Does that factor, if it contracts more, make it tighter?—On the thread, yes.

It makes the joint tighter?—No, not the joint.

Why not?—That is what I was trying to explain to you before. When I say the nut will be tighter, I mean it will be tighter on the thread, but not necessarily tighter to pull the pipe up to its taper.

Do you agree with me that the more contraction there is the tighter it is on the thread?—Yes, slightly.

# Alfred Arthur Rouse.

Arthur Isaacs

Are you telling the jury that if that is right up and is subjected to intense heat, it unwinds itself?—Yes.

It revolves and unwinds itself?—Yes.

Did you tell Mr. Bamber that your theory would make it that the brass screw would turn upon its thread?—No, I never said that. I say that it has unturned itself.

Is it your statement that that screw on that thread unloosens (referring to Exhibit No. 34)?—No.

My learned friend reminds me that you have stated you have found nuts a whole turn loose after a fire?—I think it was three-quarters of a turn—requiring three-quarters of a turn to make that nut spanner-tight.

May we put it out of this case that heat will not unscrew it?—It absolutely will not unscrew it.

Taking a tight nut, heat will have no effect upon its tightness?—No.

Then is it the fact that in the cases you have been telling the jury about the nut must have been loose before the fire began?—No, not necessarily.

You say “not necessarily.” I am dealing with the facts you have put before the Court. In none of the cases that you know of do you know whether the nut was tight or not before the fire?—No, that is perfectly true.

But you have told me that heat cannot make the nut looser?—It cannot undo the nut.

And if it is tight before the fire it is tight after the fire?—No.

Why not?—I say it is on account of the contraction and expansion that that nut is found loose.

The contraction and expansion of what?—Of the metal.

I put it to you, and you have answered me now, as I understood it, that the nut would only expand slightly more than the cone and the brass thread?—Yes.

Only slightly more?—It does not matter how much more. The fact is it leaves the pipe loose.

By Mr. JUSTICE TALBOT—You have given us your experience, and, if it is correct, it is obviously a most important fact. You say that it is your invariable experience to find these joints loose. What you are being asked for is the scientific explanation of how that happens with two metals, and you say it is because of them expanding first and contracting afterwards?—Yes, and it does not come back to its natural state.

What counsel is asking you is to give the scientific explanation of that, because, on the face of it, where you have the same metal expanding and contracting the whole thing would return to the *status quo*, and if they began tight they would finish tight. You say that does not happen?—No. My point is this: if one measured the material and the number of threads with which

## Evidence for Defence.

Arthur Isaacs

that nut was on there after the fire, in all probability it would not be the same.

*Cross-examination continued*—Why not?—On account of the shrinkage.

With the same metal?—Yes, with the same metal. They are both the same metal.

And both have the same co-efficient of expansion, whatever it may be?—Yes.

And heat operating on the nut and brass thread would have the same effect?—Yes.

Therefore, on subjecting them to intense heat they would both expand in like manner?—Quite so.

And, therefore, if it was tight to start with, the heat could not loosen the nut?—I say it can.

Then, if it loosens the nut, it must be by revolving the nut on the thread?—No.

How?—By expansion and contraction.

But they both expand alike?—It does not necessarily follow that they do. One is a male and the other is a female.

They both have the same heat applied to them?—The one is inside the other.

But they are the same metal, the identical texture?—I would not be positive of that. There are all degrees of brass. I have examined the parts in question.

If they are the same they would expand the same?—No, because, as I say, the nut is outside and that is inside. It depends entirely on the amount of heat they have had on them. One may have had more than the other.

Supposing they had a continuous flame bearing upon them—as continuous a flame as that which fused the brass windscreen frame—would they both expand the same?—According to that view they would both be fused.

What is the fusing point of brass?—1800 degrees, I think.

If that heat had stopped short of the fusing point and they had contracted down to the cold, do you still say that the nut would contract more?—I still suggest that it would contract more. I observed the nut at the other end. It was very tight.

Why has that not, because of the process of contraction, become a whole turn loose?—In all probability it has not had the heat that the other one had. [Shown carburettor.] I had never seen this carburettor before I saw it in Court.

Has it not been subjected to intense heat so that it has become fused?—The fusing of aluminium takes place at a lower temperature. Aluminium is much softer than brass. This is not aluminium (referring to the carburettor.) I would not say that it is ten times heavier than aluminium. It has been subjected to intense heat which has fused the body.

# Alfred Arthur Rouse.

Arthur Isaacs

Why is that joint at the other end of the pipe absolutely tight?—In all probability it has broken away from the heat. I cannot tell you why, but it is possible that that has not had the heat. I have had them where I have found two nuts loose, where there have been three, and one not loose.

Is it melted? Look at the joint—it is absolutely tight—and look at the carburettor with a fused body with the intense sustained heat?—I can only account for it being tight by not having the heat there.

If the lower water joint may possibly have been burned from the intense heat of the carburettor, why is that joint and the brass screw absolutely tight?—That would not be sufficient heat, because the hose joint burned through.

It would have to expand?—That would not necessarily follow.

The co-efficient of expansion, about which I first asked you, would apply to that as well as to the other?—Quite so.

If there had been intense heat it must have expanded and contracted?—Possibly; but if it had not the sufficient heat, I say no.

If it had any heat?—If it had a certain amount of heat it would be tight as it is.

But, surely, would not one contracting out from the other have loosened it?—No.

Why?—You would want a considerable heat.

How much?—I do not know.

Now, I want you to deal with this brass windscreen. You have examined it with care?—No, I have not examined it with care. I only cut it with a knife to see if it was brass. I did not have it for any length of time to examine the fusing points.

My learned friend has put it to you that you came down here voluntarily to assist this jury?—I certainly did. I have spent two days down here. I cut pieces from the windscreen with my knife.

Is there any doubt that it has been fused with intense sustained heat?—No doubt.

By a flame that was fed?—Yes.

Where do you think it was fed from?—From the general flames of the car.

Then why has not the rest of the windscreen gone?—Because, as I said before, the sides of the screen may not have been absolutely right on top of where the concentrated heat was.

Where was the concentrated heat?—Possibly in the body of the car.

Not “possibly”; you must have some view?—It may even rest, possibly, on the steering column, falling forward, or it may have dropped on to the gearbox, falling backwards.

Therefore, it is clear that there was one place in the car where there was an intense sustained flame?—Yes.

## Evidence for Defence.

Arthur Isaacs

Do you doubt that that place was that joint?—I do.

Where do you say the sustained flame was?—I say in the well of the car itself.

From what?—From petrol. One of the seams of the tank may have gone as well as the petrol can.

Have you looked at it?—Yes.

Is it intact?—As far as the seams are concerned, yes.

Do you say it was not intact?—I would say that that tank would not hold petrol now.

Do you know a part of the case for the defence here is that that petrol tank was intact? Mr. Bamber, who has been giving evidence, says it was intact?—I cannot help that.

Have you examined it?—I have.

Did you say to Mr. Bamber: "This thing will not hold petrol"?—I dare say I did.

By Mr. JUSTICE TALBOT—You say that the place from which these concentrated flames, or the intense general flames, came, was the seam? Is that right?—Yes, it could be from one of the seams.

*Cross-examination continued*—Have you found the place where it flowed?—I should say they would all flow if the tank was taken out now.

From all of them?—Yes.

If it flowed from all the seams, would you get the blow-pipe flame?—I do not know about a blow-pipe flame. You would get a huge flame.

Would you get an intense sustained flame if all over the tank it was dripping petrol?—Yes, all over.

But would you get your intense flame, only cutting it in two places, if you had it spread all over?—It all depends.

If it is coming from all the seams of the tank, you are not getting a concentrated flame on two places, but all over?—No.

So that it is not absolutely clear that for some time there was an intense flame bearing on that windscreen frame which could only come from the union joint?—I do not agree.

Where would it come from?—I say the general body of the car, but not necessarily that union.

There are two places fused. If the whole thing goes into the flame, the whole thing would fuse?—Not necessarily at all.

But most likely?—No, I do not agree. I am sorry, I do not.

You must maintain your opinion; do not express regret. If it fell into the fire it would fuse the whole of it if it fused any?—It does not follow that it would fuse at all.

You cannot escape from the two places where it is fused?—No.

They must be explained?—Quite so. There was more intense burning there, hotter than elsewhere.

If it had fallen all together in the flame, and the general body of the flames did the damage, I suggest that the whole thing would fuse?—I do not agree with that. May I explain that point a

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Arthur Isaacs

little more clearly? Say the fire is in the well of the car, it would be either in front or behind the instrument board, and it would then come more or less directly under the bottom part of the windscreen. For this flame to come from this union it has to travel a certain distance, and then take a right angle again to get under the windscreen.

By Mr. JUSTICE TALBOT—I heard you say that before, but what you are asked now is to explain how it did happen?—I say that the timbers would collapse in the car and allow the screen to fall backwards into the car itself, and owing to the intense heat there would be with a petrol fire in the centre of the car by the gearbox, which I think is proved by the fusing of the gearbox, that part could fuse there, and not the rest.

*Cross-examination continued*—I assume that the seams of the tank are at the corners, but I do not know the design of this petrol tank. You cannot tell from it in its position. You have to get it out.

Have you not told the jury that you have examined this and told Mr. Bamber that it would not hold petrol?—Yes, I have.

Do you tell them that you cannot tell them where the seams are?—I say it is not possible to tell exactly where the seams are without taking the tank out.

Take those you have seen?—I should think both ends of the tank are seamed, and also under the tank is a flange riveted through which carries the petrol tube, and it is the usual source of a leak.

You say that is the source of this fire?—Possibly.

What was the source of the fire?—That I cannot say.

It is possible that the source of the fire would be the union joint?—Possibly.

And you agree that that being a source, it is a possible thing it has burned this windscreen in that way?—Yes.

Did you say in your evidence-in-chief it was practically impossible?—I did.

Why do you say it is possible now?—Because you were dealing with a blow-pipe flame, and now you are dealing with a leak from the union.

Did you not say previously that it was practically impossible for it to come from the union joint?—If the flame was direct from that union joint, I say still that it was impossible.

Did you say you had definite proof that fires had started from a short circuit on the switch?—Yes.

Discovered after the fire?—Yes.

How was that definite proof obtained?—Because the fire was put out when the evidence was there.

And no damage was done?—No. It was quite a recent one, too.

What was the evidence of the short circuit?—The wires behind the dash. A washer was washing another car and he saw fumes and flames coming out.

# Evidence for Defence.

Arthur Isaacs

What petrol had been ignited?—None. It was the woodwork of the dash that took fire.

Then it must have taken some time?—Probably.

Then we can eliminate that fire?—Had there been a tank in there and any petrol spilt over and the wires started it, it would have been instantaneous. I have had cases of that too.

In response to my friend you ventured to give theories as to the origin of the fire. Did you not say that a man may have been smoking a cigarette or a cigar?—Yes.

And reached into the car with his body outside?—No, his body inside, with his feet outside and his hand leaning on the steering wheel. The cigar may have been in his mouth or in the fingers of his left hand, and with his other hand he might have been picking up the can off the seat.

And ignited petrol from the can?—No; I say he may have fallen. This is only conjecture. I only say it is possible that in picking up the can from the seat with a cigar or cigarette in his fingers, that may have been the source of the fire.

Have you heard that he was face downwards in the driver's seat, and that the can was in the back?—Yes.

Does not that destroy your theory?—I do not think so at all.

Would anything destroy it?—If I could give a demonstration of that I think I could very soon show you how it would happen.

Re-examined by Mr. FINNEMORE—Do you know, from a metallurgical point of view, why a nut which is subjected to intense heat, afterwards, when it cools, is in fact loose? Do you know of the metallurgical explanation or not?—No, I cannot say that I do.

But you say, from your experience, that it happens?—Yes, in every case I have had.

You do not profess to be a metallurgist?—No, not at all.

ARTHUR JOHN COTTON, examined by Mr. FINNEMORE—I am an engineer, and I live at 466 Wilbraham Road, Chorlton-cum-Hardy, Manchester. I have acted for the last ten years as an assessing engineer. I act for 15 of the leading insurance companies in this country, including the Atlas, the London Insurance, the Canada Fire, the Alliance, the Prudential, the British Law, the London, Liverpool & Globe, the Scottish Union, and others. I got my practical engineering training in big shops. I was at the Daimler and the Vulcan motor works, and other places. I deal on an average with about 1000 cases each year for the various companies I act for. Roughly, 5, 6, or 7 per cent. would be fire-loss claims in connection with motor cars. That is round about 50 or 60 a year on an average. It so happened that a few days ago, acting for one of my companies, I met Mr. Isaacs in connection with a burned-out car fire.

I want to ask you, from your experience, what you say with regard to nuts being loose after a fire?—Wherever the fire has

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Arthur J. Cotton

been at the right intensity, that is, not sufficiently hot to fuse, but hot enough to affect the distortion of the threads more than the contraction and the expansion of the nut—it is in the threads, because the nut is not moved from its position—it is found to be loose without doubt and without question. I find that the nuts are often so loose that the pipe is in a jangling condition. I mean that the nut does not move in the sense of turning round; but, in fact, after the fire the nut is loose, and you have to tighten it up to make it thoroughly tight again. I do not know when it happens or how it happens; that is a metallurgist's question.

By Mr. JUSTICE TALBOT—As I understand it, in the process of contraction after the great heat the thread is distorted. I suppose it is distorted by contact with the other contracting end?—That is so. The result is that the nut is loose—so much so that it is a general workshop practice to bring a blow-pipe where it can be used with safety. I have seen the carburettor and the petrol pipe removed by that means from the tank where it was impossible to remove them owing to the tightness which petrol sets up on nuts. It has a drying and hardening effect. It does not turn easily like it would if it was an oil pipe.

I have no doubt you are right, but I do not follow this. You are telling us of cases which always or often arise with a certain heat where the nut is loosened as a result of the contraction?—That is so.

Now you are speaking of some other cases where the nut is so tight that it cannot be moved?—Yes, and where heat is applied in ordinary workshop practice—where the nut is so exceptionally tight that you have to bring the artificial heat of the blow-pipe to loosen it. Then you find that when the heat goes down, the nut is loosened.

*Examination continued*—You say you do not know what the expansion is, but it does happen?—There is not a doubt about it. That is my experience.

Cross-examined by Mr. NORMAN BIRKETT—You do not think you are confusing cause and effect?—I am not confusing anything; I am trying to make a statement of what I have found.

But even in a statement you may have a confusion of cause and effect. I understand you to say that in cases in which you have knowledge after a fire in a motor car you have discovered the union nut loose. What I was rather suggesting about that matter was this: you had not seen that nut before the fire?—No, but the nuts have been so loose that the car could not possibly have gone. The petrol would have flowed away so quickly that the car could not have run. It could not have been that the nut was loose before the fire.

But you never saw it, so you do not know?—I do know.

But you never saw it?—The car was running.

Who said so?—I say so.



## Evidence for Defence.

Arthur J. Cotton

You did not see it. The claimant on the insurance company said so?—But we have evidence that the car was running when it burst into flames—evidence from the claimant and independent evidence, including police evidence.

You say in modesty that you do not understand how it happens, but you are an engineer?—A practical engineer, not a theoretical engineer.

You know the co-efficient of the expansion of metal?—I am afraid I cannot answer that question.

They are in any little diary that an engineer has. Have you got an engineer's diary?—Yes.

Does it contain all the co-efficients of expansion?—Yes, but I do not study them.

Were you in Court just now when I cross-examined Mr. Isaacs?—Yes.

Do you agree that metals of the same kind expand in the same degree?—I am not a metallurgist, and the degrees of expansion I am not familiar with nor the comparisons of expansion. That is a chemical matter.

I am not putting it to you in that way at all. I am putting it to you in the engineering way. The ordinary railway engineer would have to know that with regard to the expansion of rails!—The engineers in melting works.

Are you anything more than this, that you investigate fires and advise insurance companies what to pay?—Not what to pay, but that the claim is in order. Before I advise them I have to satisfy myself that a claim is in order.

I suppose it is not unknown that a claim is not in order?—It is very rare.

I understand you to say that in cars you have seen after a fire the brass nut is unthreaded?—Hundreds of times.

In all types of cars?—No, in cars with that type of unsweated nipple. For instance, I had a Sunbeam as recently as Tuesday up in Manchester.

And the nut was unloosened?—Absolutely.

A full turn?—There are two nuts, one on the top of the auto-vac. They have an auto-vac instead of a tank.

Let us stick to this. Was this loose?—The underneath side was almost a full turn loose, in the sense that it would have required a full turn to tighten it top and bottom. The top of the auto-vac was not so loose, but finger-loose.

Was that the car that Mr. Isaacs examined?—It was.

What did he come as—a fire assessor?—He came in that particular case—I do not know that I should mention what he came for.

Did he come as a fire assessor?—He came as the chief engineer acting for that company in London to assist me in this particular case, because of the importance of the owner of the car.

The chief engineer?—He acts as the chief engineer in an advisory capacity.

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Arthur J. Cotton

Re-examined by Mr. FINNEMORE—With regard to the case my friend has been asking you about, the Sunbeam car and the auto-vac, have you brought the auto-vac here with the nuts to demonstrate it?—Yes, just as they were carefully removed under my supervision.

The one was, you say, three-quarters of a turn loose. It would have required three-quarters of a turn to tighten it up?—That was the one end; the other was finger-tight. The only petrol involved in that car was one quart of petrol, which was in the auto-vac. Although the car was a total loss,  $9\frac{1}{2}$  gallons remained in the tank.

That shows what extraordinary things do happen?—The tank by some manner or means has escaped the intensity of the fire, and the whole of the petrol remains in the tank with every joint intact. Only a quart of petrol was consumed in this case, which was the capacity of the auto-vac, and the car was burned-out and a total loss.

You say that is your experience of it?—I say the experience is there, and I say without question, without any shadow of doubt, it is so.

By Mr. JUSTICE TALBOT—And you have applied the experience in practice?—Yes, the very thing.

ROLAND WATERFIELD HOLLOWAY, examined by Mr. FINNEMORE—I am a press photographer. On Thursday, 6th November, between 9 and 9.15 in the morning, I went to Hardingstone Lane where the burned-out motor car was. There was no police officer on duty then, so far as I could see. There were one or two people looking at the car. The photograph produced is that which I took. (Put in and marked Exhibit No. 48.) The photograph shows the position of the petrol can at the back and the radiator cap in front.

Mr. FINNEMORE—My lord, that is the case for the defence.

Mr. NORMAN BIRKETT—My lord, I do not know whether you think it is necessary to recall Sir Bernard Spilsbury or Colonel Buckle in order to deal with the points raised. They are here to assist the Court, but if your lordship thinks the issues are fairly before the jury, I do not ask to recall them.

Mr. JUSTICE TALBOT—I do not think there is anything I want to ask. Gentlemen, you have heard a lot of evidence on two of the scientific aspects of this case: one, the inferences to be drawn from the remains of the car, dealt with by Colonel Buckle, Mr. Bamber, and the other gentlemen who have been giving evidence here to-day; and the other, the inferences to be drawn from the position of the remains of the body. Colonel Buckle and Sir Bernard Spilsbury are both here, and if there is any point on which you would like to hear them, or either of them, they shall be recalled.

The FOREMAN—No, my lord.

The Court adjourned.



**Mr. Justice Talbot**

*[Photo. by Vandijk]*

## Evidence for Defence.

Sixth Day—Saturday, 31st January, 1931.

MR. JUSTICE TALBOT—I have received several communications from the jury. One is that they would like to see a model of the car; that is to say, a car identical with this car.

MR. FINNEMORE—That can be arranged for; one has been in attendance most of the time.

MR. JUSTICE TALBOT—The next matter is a question which I think has already been answered, namely, the period of time which Colonel Buckle considered was necessary to fuse and produce the results found on the windscreen. If I recollect aright, he said it would be a maximum of four minutes; three, I think, was the minimum. The next is a matter which I do not feel sure can be reopened, but I think I had better read it. There is no difficulty in answering the first part: Has Colonel Buckle experimented to find the results after heating the union joint? There is expansion and contraction undoubtedly. That is to say, of course, expansion by heat, and contraction as it cools; but does it cause contortion or stretching of the threads? As to the question as to whether that has been experimented upon, of course, that can be answered yes or no. The next matter which arises out of that is: Would this allow the turning of the nut, as given in evidence by the defence? I do not know that I have any right to reopen that matter, or to allow further evidence upon it.

MR. FINNEMORE—I think it is a matter for the jury on the evidence, my lord.

MR. JUSTICE TALBOT—I think that is correct. I think, gentlemen, we had better leave that as it stands.

MR. NORMAN BIRKETT—Before my learned friend begins his address to the jury, on the points which have been raised by the jury's questions, your lordship will do what you think right, but the particular point with regard to the nut has never been put to Colonel Buckle, and that I raised at the time; he had never been asked about the suggestion at all. If it is felt that Colonel Buckle ought to be asked about it, of course, he is quite ready and willing to answer that question. I am entirely in your lordship's hands.

MR. JUSTICE TALBOT—I think that is true; it was not put to him. I think Colonel Buckle had better be recalled.

Colonel CUTHBERT BUCKLE, recalled, examined by MR. JUSTICE TALBOT—The first of these questions you have heard. Have you experimented on this point that was raised by Mr. Isaacs and Mr. Cotton?—No.

We all know that if two things are tightly fastened to one another, you may relieve the pressure by heating the outer one, because the heat gets to it before it has time to get to the inner

# Alfred Arthur Rouse.

Colonel Cuthbert Buckle

one, thereby loosening it. Of course, that is quite familiar. The point is whether, in great heat, the expansion of the metal forming the nut and the thread on which the nut binds, and the subsequent cooling, will produce a loosened joint, assuming that it starts by being tight?—I can see no scientific or engineering reason why that should happen, why there should happen any looseness from contraction or distortion of the thread due to contraction; but I can see a reason for it in some forms of this joint—not in this particular one. The two parts of the thread would be expanding under heat in a fire like this more or less to the same temperature; so that they would expand together. There is a very small area of engagement of the thread, not more than a quarter of an inch deep. The lineal expansion of that would be very small. Both parts expand together, and, for all practical purposes, you have nothing like the looseness I found. There is no change in the relative positions of the parts at all. The inner part, which fills the inner conical chamber, expands also under fire. If the copper part had a greater co-efficient of expansion than the brass, then the copper——

I think those gentlemen are assuming—and it was stated I think—that the metal was the same?—Copper is different. The two brass parts are the same and go together. There is a copper nipple enclosed in the chamber. If copper expands more rapidly and to a larger extent than brass, you would get the copper trying to expand in the chamber, which it already fills, and therefore getting compressed. Afterwards, when all the parts have cooled down, you would then find that the copper part was loose in the brass, if the co-efficient of expansion of copper was greater; but we find that the co-efficient of expansion of copper is a little less, a very small fraction; but for all practical purposes it is the same.

We have two gentlemen who have been called, and whatever may be their scientific qualifications, they have a certain amount of experience. One told the jury, without putting it quite as high as the first, that at any rate it was a very frequent thing to find, after an intense fire, that this very joint of this very kind had become loose, up to three-quarters of a turn. Of course they are not able to say in which or how many of those cases the joint had been tight before; but it is a fair inference that the jury may draw, if they think fit, assuming that to be a proved fact, that a large proportion of those joints must have been tight before the fire. The second witness goes a little further. He says that not only is it usual in his experience of fires that take place in motor cars, but it is common workshop practice to loosen a joint of this kind in that way; that is to say, to apply the blow-pipe to it, and it is found as a result of that, when the metal has been allowed to cool, that the joint which was before immovable, which was tightly fixed and could not be moved at all,

## Evidence for Defence.

Colonel Cuthbert Buckle

becomes loose. If that is true, how would you account for that?—I cannot account for it if it is true. As to the workshop practice, I understand that in the way your lordship does.

Whether the jury believe it or not is entirely for them. That is the first-hand evidence. What I understand you to say, from a scientific point of view, is that that could not happen?—I cannot see any scientific explanation for it if it happened, and to the best of my knowledge and belief it does not happen.

What about the workshop practice?—You heat the nut first and not the bolt inside it. If you heated it right through you would find they got tight again.

The witness was quite definite about it; but I asked him to make sure. Then after the thing had cooled down again to its previous state, the nut would become loose?—Yes.

You say that you do not understand, from your knowledge, how that could be?—I could understand it on a rusted-up nut; you would have expanded them at different rates in heating them up and broken the film of rust. I cannot understand it with a clean nut, or a brass fitting, where you do not get rust.

## Closing Speech for the Defence.

Mr. FINNEMORE—You are now approaching the end of this long trial, to which you have given such care, and soon you will be called upon to give your decision. This man is on his trial before you. In the impressive words with which he was given into your charge by the learned Clerk of Assize, “he has placed himself upon his country, which country you are.” You will perform this high task of citizenship committed to you on the evidence which has been called in the case during this week. I refer straight away to the main guiding and dominating issues in the trial, and, I suggest to you, they show that the case for the prosecution has completely broken down, falling utterly short of that amount of legal proof which is needed. Rouse is entitled to a verdict of acquittal.

Mr. Finnemore continued by inquiring whether the jury could believe the story put forward that the prisoner deliberately chose a person he did not know in order to murder him in cold blood and burn his body that it might be taken for his own? It was the sort of story which they would think improbable if they read it in a work of fiction. In real life it was, as far as any one knew, quite unprecedented.

The danger was this. Some writers of fiction could write so attractively and persuasively that they carried on their readers from improbability to improbability, and it was only when the story was finished that they realised how unlikely it all was. So in the present case, improbable as it was in its conception, the case might have been put to them so impressively that the jury

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would be in danger of overlooking the improbability which ran through the story from start to finish.

Why should this man have done it? When they had made every allowance for the fact that the Crown had not necessarily to prove motive, the jury knew and they all knew that people always had some purpose and object in performing any act, particularly one so grave as alleged in the present case. From start to finish there was not one word or hint why the prisoner should wish to vanish. If he did, he could vanish. What was to stop him going away and starting another life? Why burden himself at the outset by murdering another man? If he succeeded, what was his position? He would have no home and no friends, and all the places he used to visit would be shut to him. Once he went back to his own home or his trade he would be at once recognised, and then to a charge of murder there would be no defence. He would be making himself an outlaw.

The jury might well think that in those circumstances it was incredible that any man should do any such thing. There was no evidence of any sort that he wanted to vanish, either before or after committing the crime or without committing a crime at all. There was no evidence that he made any preparation for disappearance, or of what he was going to do after he carried out this remarkable scheme had it succeeded. The only evidence was that he said he was going to Wales, where he actually did go on the following Friday, and that he had an appointment with the witness, Miss Tucker, in London on the following Monday.

If they considered these points and added to them that the place chosen was 159 yards from a village and the time chosen was within two hours after he had been seen in the car with the other man by a police officer, the jury were dealing with a purely fantastic proposition, and would require the strictest legal proof before acting upon it in what meant all in all to the prisoner. That legal proof was the very thing they had not got.

Mr. Finnemore pointed out that nobody on either side could tell them definitely how the fire in the car started, where it started, or in what way it started. Nobody could point out one single thing which showed that the original fire was wilful rather than accidental. Yet the prosecution was asking the jury to find that the fire was deliberately started in the absence of any evidence which could help one way or the other. Colonel Buckle had stated that he could not say how the fire started. He could only say that when he examined the car a month later there was a loose petrol joint, so loose that if it had been like that before the fire it must have been known to the occupants of the car. It seemed a preposterous method of firing a car by any one who wanted to burn it quickly with somebody inside it whom he wanted to destroy.

He also pointed out that the car had been left unattended for a long time and many people had interfered with it. There

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were so many incalculable factors that nobody could say with certainty what was the position before the fire started, and it was in the highest degree unsafe to draw conclusions from the condition of the car when examined one or two months later.

Mr. Finnemore then dealt with the evidence given by the two witnesses, Mr. Isaacs and Mr. Cotton. Those two witnesses had come forward voluntarily with great public spirit, to give their evidence from their own experience of similar cases. They both said that they had examined many cars after severe fires, and they had almost invariably found that the petrol joint nut was loosened by the action of the fire itself. Neither of those witnesses could explain scientifically how it happened, but the scientific explanation did not matter; the question was: Could there be any doubt at all that such a thing happened, as those witnesses, with great experience, had declared it always did? Once the question of the nut was solved, they were all left in complete ignorance of any single thing which the prisoner could have done to cause a deliberate fire. Not only the prisoner, but the jury as well, might well have great cause to be grateful to those two witnesses who had volunteered their evidence lest an injustice should be done based upon a misunderstanding.

It was true that it had been suggested in cross-examination to the prisoner and to Mr. Bamber that the top of the carburettor had been deliberately forced off by hand. Mr. Bamber quite frankly admitted that that could have been done, but it could equally well have been blown off in the fire, and that what was found was equally consistent with that, and there was no evidence at all that the prisoner ever interfered with the carburettor, and the suggestion was wholly inconsistent with the whole case for the prosecution so far put forward.

Turning to the medical evidence, Mr. Finnemore said that there was no sign of any injury of any sort to the body of the man before the fire. He had died from shock caused by burns and not from injury administered during life. It was true that his head had been burned and blown into pieces by the heat of the fire, but it would be very unfair to suggest that there might have been marks destroyed by the fire. The prisoner said he never touched or hit the deceased man on the head, and the fact remained that there was no sign of injury anywhere. The jury were not allowed to surmise.

The next point was whether the deceased man was in the car and whether the door was shut or open. Nobody could tell them, but whether the door was open or shut, either state was still consistent with accident. There was evidence on both sides, and it was remarkable that the right foot was completely burned away, and the jury would remember that Dr. Wyatt had said that it appeared from that fact that the foot and leg must have been inside the car when the fire occurred. It had been suggested that if he was inside he should have got out, but the jury did



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not need expert evidence to tell them that with a petrol fire there was an immediate blaze and a fierce, disabling heat. And a stranger would not know where the handle was or which way it opened. They must remember that in regard to the alleged position of the body, the whole of the seat of the car had completely collapsed. The body might have moved and it was very difficult to be certain about it. Dr. Wyatt had pointed out that the right foot was completely burned away and had suggested that the foot and leg must therefore have been inside the car when the fire occurred. But if the door were, in fact, open, it did not dispose of the possibility or probability of accident. The deceased may have been, as one witness has described, getting back into the car with his left knee on the seat and leaning forward to reach the can of petrol when the fire started. If so, he would fall in the position in which his body was found.

The mallet did not take the matter one step further. He repeated that if there were one thing more certain than another in the case, it was that the mallet was not used for any murderous attack. Dr. Wyatt had said that if it had been, he would have expected to find on it some traces of blood, skin, or matted hair. All that had been found were three or four separate hairs, only one of which was proved to be human, with no evidence whatever to show how it came to be on the mallet. That disposed of any suggestion of violence.

Mr. Finnemore then dealt with the evidence of Rouse himself. The prisoner had told his own story, though he was not bound to give evidence, and had been subjected for three hours to a minute, searching, and vigorous cross-examination. Nothing new came out, and the story that he told remained as it started, and was, in substance, the same story as he told in his statement at Hammer-smith. They might think he was voluble and excitable, and they knew from Dr. Telling that that was his temperament. He was suffering from a head wound received in the war and was facing the most trying ordeal any man could be called upon to face. The jury had to ask themselves, was his story true? Panic was a well-known thing, and the jury had sufficient knowledge of human nature to know that it was not unlikely for some people in the face of sudden emergency and terror to lose their nerve and, instead of helping, to become possessed with the idea of getting away as quickly as possible. Mr. Birkett had asked what there was to be afraid of, but that missed the whole point of panic. It was a blind, unreasoning thing, and the prisoner was the sort of man liable to such an attack. Indeed, there was nobody in Court who could say whether or not he would succumb to it in a sudden and unforeseen emergency. Rouse had failed in that test, and from that first act, a decision taken in a moment, everything else followed. He shouted something foolish to the two men whom he saw, and shouted in a strange manner which seemed to one of them to be hysterical. That seemed inconsistent with the theory

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of the Crown that he had killed somebody with the express idea of disappearing, for there was no reason why he should not have gone on with his plan, if he had formed one. If he had killed the deceased in order that the man should be mistaken for himself and that he should vanish, why did he not carry on with it? It was true that he had told a large number of untruths, and, whatever view they took of the case, they might well think that the prisoner was called upon to pay a very, very heavy price for them. The untruths, however, were entirely purposeless, foolish, and some of them contradictory. They were made to people with no right to question him and to prevent people from asking questions. Foolish as they were, they all sprang from his one initial mistake when he had done a foolish, weak, and cowardly thing in running away. They were not at all the prepared story of a criminal, intending to deceive and to provide himself with a defence. He asked the jury to accept the story of Rouse as being true, that he lost his nerve, got into a panic, and afterwards did not quite know how he was to get out of it. He decided his destiny in a moment.

Mr. Finnemore said that he had not attempted to make any emotional or sentimental appeal. He had chosen to appeal to their reason and judgment, and had tried to show them how unreasonable and baseless was the case for the prosecution, how far short it came of legal proof, and how big and wide a gap there was between the Crown theory and the legal proof and evidence which should be provided to guide the jury to a definite conclusion. At its very highest and best the case against the prisoner could never advance beyond suspicion, and against that there were many cogent pieces of evidence, almost inexplicable otherwise, in support of the defence.

In concluding, Mr. Finnemore said that he wished to leave with the jury five points which summed up the case for the defence. First, the unbelievable nature of the crime suggested, coupled with the complete absence of any reason or motive for committing it and the hopeless position the man would have been in had he succeeded.

Secondly, the likelihood and probability of the prisoner's own story of panic and the fact that his subsequent conduct, even including the silly falsehoods, was more consistent with that than the prosecution's theory of a crime.

Thirdly, the complete absence of any evidence of violence or injury to the unfortunate deceased, apart from the fire, coupled with the absence of any sign of any violent use of the mallet.

Fourthly, the inability of any one to identify the source or cause of the fire.

Finally, what still seemed the most amazing part of the whole amazing story, the fact that 159 yards from a village through which he had just driven, in actual sight of the houses, Rouse should have stopped to carry out a deliberate murder and deliberate burning, when two hours before he and his companion had

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been seen by a police officer at Markyate. If those facts did not constitute doubt, then it was difficult to know what was meant by the word. There was in that case no legal proof at all. It was a dark and difficult case, enveloped in doubt and uncertainty at every stage. To the benefit of that the prisoner was entitled.

No counsel, he imagined, ever reached the end of a defence in a murder trial without being oppressed by the fear that he might have failed in his great responsibility and might have fallen short of the duty he owed to his client.

That feeling, concluded Mr. Finnemore, has been greatly increased by having to put forward the case for Rouse against one of the most eminent members of the Bar leading for the Crown. If I have fallen short in any way, the blame is with me. I beg you not to let it affect that man. If I have used or stressed any point which does not commend itself to your judgment, put it aside, and do not let it affect the prisoner. If I have omitted or passed over some point in his favour, your own judgment will supply it. I do not ask you to shirk your duty, however unpleasant it may be. On the contrary I urge you to do it fearlessly and justly and righteously.

But do not forget that your first duty is to that man, to see that he is not convicted unless and until you are all convinced that the evidence is so strong and so certain that it leaves in your minds no reasonable doubt whatever.

Let me conclude by reminding you of your great responsibility. You are the judges of this case and you alone decide it. I have put the case for the prisoner before you, but I cannot share your responsibility. My learned friend will sum up to you the case for the prosecution, but he cannot share it. Not even my lord, who will direct you on the law and guide you, can share it on the evidence. It is yours alone. And it is an individual responsibility for each one of you. When your foreman returns the verdict he returns it for all of you, but it is really twelve separate verdicts for which each must account to his own judgment and conscience. No man can be convicted in this country until all twelve jurymen say, "we are satisfied beyond all reasonable doubt." Consider your verdict as you will look back on it in weeks and months to come. You are the final judges, and your decision is irrevocable.

## Closing Speech for the Prosecution.

Mr. NORMAN BIRKETT—May it please your lordship. Members of the jury, I am sure you will agree with me that my friend Mr. Finnemore has discharged his duty and his responsibility, not merely with ability, but with conspicuous and devoted care. Nothing that art or skill could do to present the case for the accused has been lacking. The case for the defence has been put before you in its utmost strength.

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My submission to you—justified as I shall try to show by the unfailing logic of circumstance—will be that this evidence conclusively, decisively, completely, beyond any human doubt, indicates that the accused in the early morning of 6th November, in that deserted lane, committed a deliberate, a calculated, and a horrible murder. My learned friend says, "Let the prosecution tell you the motive." The motive, if motive there be, is locked in the accused's own heart, and there is no power under heaven which enables me to unlock it. My learned friend has asked me to do an impossible thing—to satisfy you as to motive. My learned friend says, "Let the Crown satisfy the jury beyond all reasonable doubt where the light was first put in the car." If this was murder there is only one man now who knows with surety. My learned friend thereupon says, "Don't convict this man until the Crown does the impossible." He says to you, while imploring you to do your duty fearlessly and courageously, that it is better that a guilty man shall go free than that an innocent man shall suffer. But the administration of justice, the principles of justice, with which he is concerned and I am concerned and you are concerned and, with the utmost deference, my lord is concerned, is strong and dispassionate and fearless, and says, "Let the innocent man be freed from peril." But the administration of justice fails if the guilty man goes free.

My learned friend put the accused before you as a truthful man, despite that record of lies, invented, says the defence, because of panic. But you may think that the accused you have to deal with is a man of great resource, and you may think that the most decisive thing in this case is the evidence he gave. And you may test it by one or two of the most important matters. After two days this truthful man made his statement to the police and said, "I saw the man inside the car and I tried to open the door." Did he make a mistake about a thing like that? Then in the witness-box he said, "I could not get near it, I never saw the man, and the doors were both shut." Is that the truth? Again in his statement he said in response to questions: "I explain the mallet being outside the car because the man inside the car might have used it to knock off the filler cap." And, according to his testimony in the witness-box here, he knew beyond any possibility of doubt that he had done it himself outside the car. Members of the jury, why is an innocent man lying on these crucial and vital matters? As to the time you may make a mistake, as to the precise place you may make a mistake, and as to the distance from a village you may make a pardonable mistake; but the dead man—the companion of the night—he did not make a mistake about that on so vital and so important a matter. By those two matters of the most vital consequence he stands, in my submission, not as an innocent man speaking the truth, but as a resourceful liar attempting to escape at all costs from the consequences of his acts and deeds.

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The prisoner further said in his statement to the police that on getting to Tally Ho Corner he went to the Thames Embankment. In the witness-box he said, "To be honest, I went home." Why did he never say, when trying to tell the truth, "I did go home to see my wife and tell her not to worry"? Why did he omit that? Members of the jury, do you believe that the accused, after five hours in the car with the dead man, knows no more about him than he says he does? Never knew the town to which he was bound—never asked him? Upon all these matters I submit that this picture of a man in difficulty, and placed in difficulty by having in moments of panic behaved foolishly and said foolish things which compelled him thereafter to continue a course of useless and foolish lying, is not the picture you ought to have before your minds at all. But the true picture, I suggest, is that of a man who, conscious of the thing which he has done, attempts by continuous and resourceful lying to evade the consequences of it.

If a murder is to be committed, and the action is deliberate and calculated, it takes place, as a rule, away from human eyes and from the possibility of interruption. And in this case observe the place and the time. Was the place designed? Every motorist knows a main road, and the accused was a motorist of wide experience. The road to Hardington is practically at right angles with the fingerpost which he says he never saw. Ask yourselves is there any doubt in the world that he turned down that lane for a set purpose. How was it the car stopped? According to the accused, in his evidence, his companion said, "This is a nice place for you to sleep." Odd that it was the place of his final sleep, that he should have marked the place. The village was asleep—the time two o'clock in the morning—where but for those two young men coming home from a dance there was even no interruption. You will ask yourselves at the outset whether it is not clear that the chosen place off the main road at that time was not an accident, but designed, calculated, and deliberate. But if you have committed murder at that place, when you are called upon to explain, you must not be too near, so that you could have rendered help. Do you believe the story that the accused was 250 yards to 300 yards away, or do you rather think that it is invented in order that it might seem to fit into an innocent explanation? Members of the jury, in the submission of the prosecution, the only reason why he told that story was that he dared not be nearer in any explanation of the case, otherwise he could have rendered help, and the evidence before you is that he rendered none, and says that it was impossible to do so.

One factor in this remarkable case which you may consider to be particularly remarkable is this: Do you not think, upon reflection, that it was very remarkable that the accused had got a complete explanation for the theory of an accident—namely, petrol and a match? In my submission it is the

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most damning thing in this case that the accused provides a perfect explanation which, I submit, cannot be true. You cannot tell where the fire started, and the completely burnt-out state of the wreckage of the car forbids it, but the accused supplied the perfect answer—the petrol and the match. The details of his statement on that matter are before you, and you may think the whole explanation rather difficult to accept, but, like most men who make statements carefully thought out, he had forgotten certain elementary things. If the petrol can was, as he says, placed on the driver's seat, you have this remarkable fact, that the body of the dead man was face downwards in that very seat and the petrol can is discovered upright in the back of the car. But you will consider the whole of that statement made by him in the light of the evidence now before you, and you will come to your conclusion upon it.

Then comes the question of explaining the accused's movements. Certain of his actions have been attributed to panic. Is there any evidence of panic, save from the lips of the accused himself? There is none, and I cannot over-emphasise the importance of that matter. Where is there evidence more cogent, more striking, more convincing than the evidence of what the man did? The defence put forward the explanation of panic. The complete and overwhelming answer to it is that there was not one tittle or shadow of evidence of this, save from the man who had already explained so much. Was there any panic in a man who has cried out "My God! My God!" and then had the presence of mind to go back for his case? And then two or three minutes later to those two men, after gazing upon that awe-inspiring fire in which his companion of the night was being remorselessly destroyed beyond all recognition, he says, "It looks as though some one is having a bonfire up there." He was, it would appear, perfectly normal and ordinary then.

One of the essential points of the case is whether you can believe the accused or not, whether he is a man of truth or a liar. Here is a man making a statement of the truth to the police, telling them he went from Tally Ho Corner to the Embankment, whereas he went home. Yet he asserted he was telling the truth in the statement. With regard to his suggestion as to how the hair got on the mallet, have you ever heard anything like it in your life? He has actually got the most ingenious explanation for hair upon the mallet. He explains it. You might very well think an innocent man might say, "I really do not know," but he has got it. He is resourceful, he cannot resist the temptation to explain. You may, of course, believe it and, of course, you may not.

With regard to the episode in the lane at Hardingstone, I suggest that the accused hid in the ditch because of the lights of an oncoming car. The noise of the car hushed the footsteps of Brown and Bailey, and they surprised him emerging from the ditch. What would an innocent man do when he met the first two

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human beings he had set eyes on since the terrible happening of Hardingstone Lane? There was no appeal to them for help; instead, he walked calmly past them and then, as if he knew nothing of the fire, called out, "It looks as though some one is having a bonfire up there." But, apart from the evidence as to the sustained and continuous fire, fed from the sources which have been indicated to you by Colonel Buckle: apart from the evidence as to the condition of the car when it was found, and the inferences to be drawn from it: apart from the evidence as to the prisoner's conduct in the hours succeeding the fire, and the various false statements made, there is the important question of the posture of the body of the dead man as described in the evidence of the police.

Even if the posture of the body stood by itself it would, in the submission of the prosecution, be conclusive. The posture of the body permits of no other view than that the man was thrown helplessly on to his face. With regard to the fact that the right foot was found extended beyond where the door had been, it means, if you accept the evidence, that the door was open, and into the small, confined space was pitched that unconscious, inert, helpless man, face downwards into the seat. Eye-witnesses on this point say, "We saw it. There is no doubt. We saw it—right leg extended." The highest medical evidence in the land says that the leg could not extend after death, and a charred heel was found 6 inches outside the door. But, members of the jury, these are all matters that will receive your earnest and most careful consideration. I have not attempted in these closing observations to present an exhaustive review of the evidence, nor to repeat again to you that which has been placed before you in the preceding days of this trial.

The duty of the prosecution is to lay the facts before you, and through the mouths of the witnesses and by the evidence to satisfy you beyond all reasonable doubt that the prisoner is guilty of the offence with which he stands charged. If you are not satisfied it is your duty to acquit the prisoner: if you are satisfied it is equally your duty to convict him.

You have listened during these past days with manifest care to the evidence, and you will consider all the matters placed before you by my learned friend and by the prosecution. And when all is done and considered, when the evidence has been considered anxiously and dispassionately, it is the closing submission of the prosecution that the guilt of the prisoner has been conclusively established, and your clear duty is to return a verdict of "Guilty."

# Charge to the Jury.

## Mr. Justice Talbot's Summing Up.

MR. JUSTICE TALBOT—Gentlemen of the jury, the first thing that I have to do is to remind you, though I think you probably do not need it, of the exact issue which you have to try. I heard the learned counsel, who has conducted this defence with singular ability and judgment before you, inadvertently mis-state the issue when he addressed you, not this morning but the other day. He said, I have no doubt, purely by inadvertence, that the question before you was whether this man has committed the murder with which he is charged, or has not committed it. That, gentlemen, is not the issue. The issue is more simple than that. It is whether he has committed it; that is to say, whether it is proved to you so that no real doubt remains in any of your minds that he has done it. You have nothing to do with whether he has not done it. That may possibly sound a verbal distinction; but it is vital. There are countries and systems of law where there is an intermediate verdict; that is to say, an intermediate verdict between a verdict of guilty and a verdict of acquittal. In my humble view, that merely introduces confusion into the matter, and is very unjust to the accused man. You have only one thing to consider, and that is whether it is proved to you that this man has done the murder with which he is charged. If it is not, it is his right to have the verdict of "Not guilty" pronounced; and that, whether or not you may think that there is serious reason for suspecting, or even the probability, that he has done it. That is not a matter which you are entitled to act upon; you must act upon proof, and proof only, that he has done it; and if that proof is not satisfactory to your minds—not, of course, I mean, if there is some fantastical or fanciful doubt, but if there is a doubt in your minds such as you would act upon in any affair of your own—if it is not proved in that sense, then he is entitled to be acquitted.

Gentlemen, the case into which you have been inquiring in these five days is a most exceptional one. I do not know, but I should think you would have to go back a long way in our legal history to find a case in which the facts bear any resemblance to these. You have, first of all, the fact that, after all the exertions which no doubt have been made to trace the unhappy man who was burnt to death on the 6th November last, it has been impossible to identify him.

There is this further fact, which, of course, is connected with that, that I say that in my opinion there is no theory which is even plausible which has been made good, established, as to why this man did this murder—if he did it. Of course, I need not say that it adds greatly to the difficulty of finding out the motive of a murder if it is not known who the man is who was murdered; that is obvious; but the fact remains that there is no satisfactory



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account before you, in my opinion—whether it is yours or not is, of course, a matter for you—why this was done.

Now, it is perfectly true that that makes no difference in point of law; that is to say, if you are satisfied that the murder was done, it is not your business to inquire why it was done; but it is obvious that on the question of fact, it may make, and indeed must make, a very serious difficulty in bringing home the guilt of murder to this man, or to any man, if you are unable to give any reasonable explanation why it was done. That fact deprives the prosecution of what is, in ordinary cases, one of the most important parts of the case against the accused man. Of course, I am only saying what is very obvious. In the ordinary case of murder it is one of the most important parts of the proof of the case against the man that he had a motive of robbery, jealousy, revenge, or whatever it may be; and, when you find that motive existing, and coupled with it the facts that seem to show that he committed the murder, you have a complete case. It is not true, of course, that you cannot have a complete case without a motive. That is another matter; but it obviously deprives the prosecution of what is ordinarily an important and, in many cases, perhaps a vital part of their case.

Gentlemen, it is useful in this case, as in all cases, to start from the facts as to which there is no dispute; and in this case, although, of course, it is not true to say that all the facts are undisputed, the great majority of them are. The contention between the parties, which you have heard so admirably developed by the learned counsel on each side, depends far more on the inference which is to be drawn from the facts of the case than on any difference as to the existence of the facts themselves. Some things are certain. The first thing is that this man was, in fact, burnt to death about 2 o'clock in the morning of the 6th November in this road which, whatever may be its condition at other times of the day or on other days, was at this hour and on this day a lonely, solitary road. There is, further, no doubt that he was burnt to death in the defendant's motor car; that that motor car had been driven to that spot by the defendant with the deceased man in it, and, of course, one of the questions (I will merely allude to it in passing) that you will have to ask yourselves when putting all the facts of this case together is: How did he come to be in that place; why had he left the main road? I will not say any more about that. You have heard all the comment that has been made, and you have seen the photographs.

With regard to the village, probably there are few places more absolutely devoid of spectators than a village in the country at 2 o'clock in the morning. It was about 160 yards from that village, as you know, where the man died.

This, further, is certain, that, while this fire was still at its height, the man in the dock was either in or just out of a roadside ditch, a ditch on the hedge side of the grass at the

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side of the road, 624 yards away from the place at which this fire occurred. That struck the two young men who saw him. You will recollect, I dare say, the expression of one of them: "Well, I thought it was very odd that a man so respectably dressed as that should be coming out of a ditch at 2 o'clock in the morning." At any rate, it excited their attention, and he was carrying that case that you have heard about. Now that distance, the distance at which he was while the fire was still blazing furiously, flames which are described as 12 to 15 feet high, is a point of considerable importance when you are trying to find out what happened.

If the case for the Crown is true, and this man, for whatever motive, stunned the man, who is now dead, with the mallet, and knocked or placed him in the car and set fire to it, he would probably, if he did all that deliberately, as soon as the fire was alight, go off as quickly as he could. It is impossible, of course, to say; but that is, on the assumption for the moment of his guilt, the theory that is laid before you.

On the other hand, he says that he was first aware of the flame when he was—he says now, I think, 200 to 250 yards away—out of direct sight of the car, able, of course, to see the light. He described it himself in the box the other day as a huge flame. He was then 200, perhaps less, 160 possibly—somewhere between 150 and 200 yards off, having got to that distance for the reason which he gives you. He then, according to him, went back to where the car was, and he explained that he did not go very quickly because he was pulling up his clothes and fastening them. He went right up, and could not get very near, and then he went some little way towards the village, calling out in the way that you have heard: "My God." He then came back and again went on to the grass to see whether there was anything that he could do, and then, according to him, after, as he says, losing his head—perhaps it might be more reasonably suggested finding he could do nothing—he ran the 620 yards which took him to the corner of the main road, where these young men saw him; that is to say, that would take him there along the road or, if he chose, he might have gone part of the way at any rate along the grass. To run that distance, 620 yards, it would probably take a trained athlete on a racing track at least a minute and a half. A man like this, in ordinary clothes, on an ordinary road, it would take, even running as hard as he could, probably double that; and you notice that, if he did, he would be considerably out of breath when he got to the end. There is no suggestion on the part of those who saw him that he was out of breath. You may take it, I should think, that he is much more likely to take four or five minutes.

Putting those times together, it is quite clear that the facts fit in with the theory, or something like the theory of the Crown, much better than with the account which he has given, because there is less time to be accounted for. If he left this car when the flames were beginning, and came the 620 yards to the corner, there

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is much more time to allow for the flames developing to this height when he was at the corner—not necessarily when he actually got there—than if, first of all, he went the 200 yards, or whatever it was, back to the car, and looked about there a little, then went on a little way to the village and back again, and again looked, and then went back to the corner. You will observe that in his own statement he does not start on these movements until the flames are at a height. On the other view he would start when they were just beginning.

That is not quite all about the time, because the two young men have to go the 620 yards, and, when they got up to the fire, they say that it was still blazing furiously, and it is then, indeed, that they put the height of the fire at 12 or 15 feet, and even after one of them had gone to fetch the constable—I do not think we have ever heard whether he was in bed or not—from the village about 200 yards or thereabouts farther off, and brought him back and got again to the car, the fire, though it had begun to abate, was still burning to a height which is described as about 6 feet.

You may think that, whether or not it proves—and, of course, it does not prove, or anything like prove, the idea of the prosecution as to how and when this murder was committed—whether or not it does at all bear it out, it certainly makes it difficult to accept, apart from other matters which I will mention in a moment, the account which the defendant has given as to his proceedings; that is to say, how he came to leave the car, where he went, and where he went back to. It proves, incidentally, that which, of course, is one of the facts upon which the case for the Crown is based, namely, the long duration of this fire. I would add to it, if the defendant's story is true.

Now you have been reminded that, quite apart from that, there are serious improbabilities in the defendant's account. Of course, I need not tell you, gentlemen, that it does not follow that, because a man, who is placed in what on any footing is an embarrassing and difficult position, tells lies, he is guilty; but there are obviously certain improbabilities in the account which he gives. The whole notion of asking this total stranger to pour the petrol into the tank for him, when he had everything ready and had done everything except actually empty the can in; and at the same time giving him a cigar, of all things in the world, and making sure that he has a match to light it with, certainly sounds a very singular story.

Then there is the obvious improbability of a man in the dead of night, with only this other man, a male person, there in the car, going 250, or 200, or 150 yards, before he can perform an operation of Nature, which we all have to do, out of some motive of delicacy, and, as he says himself, going till he makes sure that he is out of sight of the motor. I do not know what you think; you may think this is incredible. This is a man in whom, he tells you, he had no confidence whatever; he thought he was very likely

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to steal his case; he had seen him with his hand on it, he says, and therefore he took his case, which was a very sensible thing to do, to make sure that he should not steal it. He leaves him out of sight, with this car at his disposal. There is nothing in the world easier than for that man, if he knew as much of the driving of a car as to get away, to go off with it. I am not sure whether he said, but he rather suggested that the man had said, that he could not drive a car; but it is ridiculous to think that you would accept that statement from a man of whom you knew nothing, and whom you suspected of being a thief. Those are, as I say, obvious improbabilities which you will have to consider.

It is hardly, perhaps, worth reminding you that when he made the original statement to Detective-Sergeant Skelly he told him he had been interrupted by the sight of this flame, before he had time to do what he went to do; whereas he says in his statement made quite shortly afterwards to the police officers, the long statement, that he had finished, and it was not until then that he started back.

Those are very obvious points; but this fire being, in fact (and there is no doubt about this fact) 159 or 160 yards from the nearest house in this village, he does not do that which you might think—whether it would have been of any use or not is another matter—but assuming that this was an accidental fire, it would have been the natural and obvious thing for any man to go to the nearest inhabited house, ring or knock up somebody, and get somebody to come along and see if anything could be done. He actually, according to his own account, if you believe it, started towards the village. For some reason or other he says he went back. Having gone back, he gets as far as he possibly can the other way, in order apparently not to pursue the journey which he had originally started upon, which was to go to Leicester, but to go back to London.

Then, of course, there is the strange fact of his silence to those two young men whom he saw. You may think—it has been urged upon you by the prosecution—it is for you to say whether you agree with it—that an innocent man who came unexpectedly upon two men, who he saw were going towards the fire, would have seized the opportunity to tell them what had happened, this terrible accident, and ask them if they could do anything. However, he said nothing; he passed them without a word.

Then there is the remark about the bonfire. It is put to you that all this he did because he was in a state of panic and terror, and was practically not capable of knowing what he was doing. It is said to you, on behalf of the Crown, that there is nothing that you can call evidence at all, except his own statement, that he was in anything of the kind. That is a matter entirely for you to

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judge. This is what he says about it, and it is right that I should read it: "When I first saw this huge flame," in his words, "I could not understand it; it was the last thing I thought of happening. I pulled my things up and ran towards it; I could not run very quick. I could not approach within several feet. The flames were very high, and all round the car. I was terror-stricken. I thought the car would explode. I went towards the village, I think, for help. I turned round on to the grass, to see if I could do anything for the man. I was terrified at the sight, and ran towards what I took to be the direction of the main road. I saw two men coming towards me. I was then running on the grass." It is a small matter, but that does not at all agree with what they said. "I went towards them, my first thought to get help. I did not speak, but went past them; I do not know why. I turned round afterwards to ask help, but did not. I do not know what I said. When I got on to the main road I ran both ways and lost my head completely." Then he says that, after getting into the main road, apparently there was one lorry which he tried to stop, and which would not stop, and then he got on to the other, and he says that he did not recognise the man, or either of the men, with whom he drove for four hours to London, and with whom he had, he agrees, a considerable amount of conversation. That is his own account of what he did. He explained further, when he was pressed as to why he did not ask those two young men for help, that it was because he was terrified and in a panic.

Those are the immediate circumstances of the fire, and there are obviously circumstances which it is very difficult for him to explain. There are other facts connected with it which are difficult to explain on the hypothesis that he is guilty. If he was, as these young men say—you saw that photograph of how the ground slopes down—hiding in or close to this ditch, as one of them says, why did he get out? It is suggested by learned counsel that he might have heard a motor car coming along the road. I do not know why he should get out, if he did. It is very difficult to imagine that at 2 o'clock in the morning, in this out-of-the-way place, with his nerves all alert, he should not have heard these two young men coming along, on a bright moonlight night, a still night, even if they were not talking, as probably they were. Why did he get out? It is very difficult to understand that, if he was a guilty man hiding till the coast was clear in order to make off. Even if the motor car had gone down the road, which I should think is very unlikely, I should imagine you would think that at night a person could have lain down in that ditch with very long odds that he would not have been noticed.

Then there is another fact upon which I must say a word, which is connected with the actual fire. That is in connection with this mallet. I will leave aside for the moment this question of hairs. I do not know what you gentlemen made of that mallet

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with the magnifying glass; I mean whether there was anything to be made by looking at it which is not already included in the fact, as to which there is really no dispute, that one human hair was found on it. There are some other small hairs on it. The most conspicuous thing to be seen on the mallet, I should have said, having looked at it through a fairly strong glass, was a small portion of grass, and not hair at all. I have not examined it microscopically, and I would bow to expert opinion; but I think it is difficult to say that it is a hair at all. Take the mallet by itself, apart from the hair. I do not know if you have had it in your hands. I think there is no doubt that, if a man had wanted to stun another, he could have done it with that mallet without much difficulty, if he had aimed an accurate blow at his head. There is no doubt at all as to where it was found. We know that it was found about 14 yards from where this car was burnt, and in front of it. Although there was ample opportunity for unauthorised people to interfere with this car after the fire and after the day had broken, it is quite true that it appears to be quite impossible that it should have been taken out of the car after the fire. There are no signs of burning, or scorching, or charring.

I must say here—and I think that I should say—that I cannot at all understand the conduct of the police on that early morning. It seems to me a most astonishing thing, when the remains of a dead body had been found in a burnt car, that, as an elementary piece of police work, the utmost care should not have been taken that the car and its contents remained as they were until they could have been removed to a proper place, having been properly examined. I could not have believed it if I had not heard it admitted by the police officers, that upon the very morning of this catastrophe this car was left for long periods of time wholly without police supervision at all. There was nothing to prevent the murderer, if he had been a murderer, taking anything he pleased out of that car, or putting anything into it. However, there it is. But nobody could have taken this mallet out of the car after it was burnt. Although it is possible, owing to the laxity of the police, that the mallet may have been at one time lying nearer the car—there is no evidence of it whatever, of course—and, if so, it might have been moved to this other place, I should hope that if any unauthorised person had removed it he would have come forward to say so, because it would remove a point which was made against the accused—I mean it would remove that point, if it was shown that the mallet was not put originally where it was found; but assuming that it always was, or that it was placed or thrown where it was found, that must apparently—at any rate, you will probably think, to say the least, it is fairly probable—have been placed there by the accused man before this fire got hold. It must, therefore, have either been carried or been thrown that 14 yards, and if it had been only used, as he said it was, to

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open the petrol can, it is very difficult to understand why it should be. He himself says: "I do not remember what I did with the mallet. I did not put it where it was found. I do not know how it got there." You will recollect—it has been brought to your attention by the learned counsel who addressed you last—that in his statement to the police he had said that it was the deceased man who had used the mallet upon the can, and he said in answer to the learned counsel, when he gave evidence here: "When I told the inspector that about the mallet having been used by the deceased man, I knew that I had done that myself."

The difficulty of this point as against the accused man was felt by the defence, and the theory they have suggested to account for it being there is that the car had been up to that point and had then gone back on the reverse. That does not, of course, explain how it got out of the car; but it is the theory put forward to account for it being there. It is said that it fell out, or was put out possibly by the accused man himself—he says that he cannot remember what he did with it—when the car was up at the same point, and they called, as you will recollect, a gentleman named Rae, who had interested himself in the matter, and who said that he had traced the tracks of the car on the grass verge, not on the road but on the grass verge, at the edge of the grass going up to this point and going back again, or, of course, it may be the other way. You know that in fact the police car was driven in the early morning, in order to throw light upon the burnt car, that precise way. It may, of course, have started the other way, starting from the further end and coming up the verge again. The only point in Mr. Rae's evidence which does otherwise than confirm that statement of the police as to what they did in order to get the light to bear upon the burnt car, is that in his judgment—the burnt car, of course, had gone when he made this examination—the car of which he saw the tracks upon the grass had left the grass at such an angle that it must have gone over where the burnt car had been. He judges that from the marks of burning on the road. That is the only point of his evidence. On this point you have had the most complete evidence on the part of the police. I said something about negligence, and the word is certainly amply justified, whoever the superior police officer was who was in charge of all this matter, but that is not at all to say that the police generally did not take careful observations. Of course you understand, gentlemen, that these officers were dealing originally not with a question of murder; they knew, of course, the moment they got to the car, that the man had been burnt, but they no doubt were considering amongst other things, the questions how the car had got to that position, whether there had been a collision, and whether anybody else was to blame. That is the sort of thing the police are always engaged upon, and one of the first things they would do would be to look at the marks in the road. No less than four officers

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give concurrent testimony on this point, and they all say the same thing. They say that they looked to see whether there were any marks of skidding, or the application of brakes, and they found nothing. They say that they were able quite well, it being a clear, frosty night, and with the aid of the lights of their own car, to see quite plainly the tracks of this car going up to the place where it had stopped, and not going beyond. They all looked for that, and that is what they all say. First of all, Police Constable Copping, the young officer from Hardingstone, gives it in chief, and then he says that what he had first of all described was correct, that there were no wheel marks in front of the car. The next one is Police Officer Valentine, who came up with Inspector Lawrence. He says that he "Looked for wheel marks; they came from the direction of Hardingstone. The car had stopped. There were no skid marks; no wheel marks continued beyond that. If there had been any, we should have seen them." Then there is Sergeant Harris, who came, I think, a little later—at a quarter to nine—and he says also that he saw no wheel marks in front of the car. Lastly, there is Inspector Lawrence. He says—I ought to have put him first, because he was there earlier, at ten minutes past three—that there were no wheel tracks in front of the car, and it was he who described how they brought the police car up to near the front of the other car, so that they might see with their lights whether there were any tracks or not. He says: "With our lights we could see the tracks of the car. It had been driven from the village to where it was burnt. It stopped a foot from the edge. No skid or brake marks." He is questioned about this in cross-examination, and he sticks to it that he is quite certain that there were no wheel marks in front of the car, either on the grass or off it. "There was a white frost, and we must have seen it. There were no marks at all."

You will bear in mind what learned counsel reminded you of, that the car, according to the defendant's account, was on the road and not on the grass at all. I do not see how, with any regard for the way in which evidence is to be considered, you could possibly displace that very clear detailed evidence by officers who paid special attention to this matter when the burnt car was actually there, by the belief of Mr. Rae, who did not see, by the way, the marks behind the car at all—he told you that—that the marks which he saw could not have left the grass at the angle which he saw without going into the burnt car. That is the whole thing. That is against that clear evidence of the police. Therefore with that—it is a matter for you, of course, like every other question of fact in this case—you must come to the conclusion that this mallet was in fact thrown or carried by some one to this point 14 yards in front of the car. Of course, if it is true that this man struck the murderous blow with the mallet—when I say "the murderous blow," not a blow necessarily, at any rate,



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designed to kill him, but designed to stun him—he had to be quick; he had to get him into the car, and he had to get the car alight; and nothing would be more probable than that in the haste of the moment he would throw the mallet away at random. Still, of course, it is one of the facts in the case that there is this mallet found in the grass. There is the possibility that some unauthorised person may have moved it, not from the car—that I think is impossible—but from somewhere close to the car, and there is the improbability that the man who had done that would not come forward and say that he had done it. That certainly is a fact which tells, as far as it goes, against the defendant. That is the mallet itself, quite irrespective of anything on it.

I do not know, gentlemen, but I should think that it is quite impossible that you would attach any serious importance in this case to the presence of one human hair on this mallet. However, there it is. Of course, you will not forget that it is said—it tells in favour of the defence—that there is no blood, and no trace of skin; there is nothing but that one hair. I will not trouble you with the evidence about the hair, because really there is no substantial difference between these expert gentlemen. There is one human hair. That is all that the evidence comes to. Of course, if the skin was broken there would be blood. The man might easily be stunned without the skin being broken, but, on the other hand, it would be no doubt a violent blow, if it was given. You may think it impossible, if it was given, that there should be no blood.

Of course, there can be no doubt about this, that these facts create grave suspicion against this man who was the owner of the car and who had driven the car to that place and was within 600 yards of it when it was in full blaze. There is no doubt about that at all. If he is an innocent man, he no doubt has caused that suspicion, or a great deal of it, by his own folly. He no doubt realised that himself, because you recollect what he said to Detective-Sergeant Skelly when he first asked him to go to the police station. "Very well; I am glad it is all over. I was going to Scotland Yard about it. I am responsible." Of course that does not mean: "I committed the murder." That would be unfair. "I am very glad it is over. I have had no sleep."

Now the question is: Is it more than suspicion? It is put to you on behalf of the Crown that on those facts only there is no reasonable alternative but to suppose that he did do what is alleged against him; but they claim to have carried the matter further, because they claim to have proved two things—first of all, that it is impossible, or practically impossible, that this fire could have been accidental, and, secondly, that it is impossible—I think they leave out the word "practically" there—that the dead man could have got into the position in which he died unless he had been placed there when unconscious. It is put to you,

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and probably you would think justly put to you that, if either or both of these things are established, any suspicion that you might think would attach to the accused, anyhow, would be turned into certainty.

If this fire was designed, it could only have been done by one of two men, the dead man or the man in the dock. It is said that that is not a real alternative; it could only have been done by the man in the dock, and, even more clearly, if the man was placed or caused to fall with his head face downwards on the driver's seat and both legs extended beyond the near-side door, nobody could have done that except the accused man. The first point, as to whether the fire could have been accidental, depends on the evidence of Colonel Buckle, and the second point depends on the evidence of Sir Bernard Spilsbury. Of course, when I say that, I mean in each case, bearing in mind all the criticisms which have been made and all the evidence called on these points on the other side.

Now with regard to this matter of the car, that is to say what could be seen in the car itself after it was burnt which would throw any light on the question how this fire could have been caused, I think here, again, there is a good deal in the facts as to which there is no dispute. I do not think, as far as I recollect, that Colonel Buckle was ever asked in so many words whether, in his view, from what he saw, the fire could have been an accident; but he gave you a number of facts which in his judgment went to show that it could not. Broadly speaking, as you recollect, he relied upon three matters: the position of the fire, where the fire came from—that is to say, that it came from the bottom of the car, from below the car—the intensity of the fire, and, perhaps, more important than any, the fact that, having started and leaped up, it was fed continuously for a substantial period, as such fires go, by a continued supply of petrol pouring or directed on to it. I do not think, as I say, that there is any real dispute as to the existence of all those factors. You will recollect that Mr. Bamber in his evidence said that it was quite true he agreed that the fire was altogether exceptional as occurring in a car of this type. His words were: "I have never seen a small saloon car burnt down as this was: there could not be a severer fire." He agreed throughout his evidence—you will recollect his evidence—in the existence of all those factors: that is to say, the fire did come from the bottom, it was an intense fire, and it lasted in a way which showed that it had been continuously fed.

The evidence of Colonel Buckle went upon this, that you could not account for those facts except by the coincidence probably of two other facts, the leak, of which you have heard so much, of this petrol union joint at the tank end of that pipe, and the removal of the cover or cap of the carburettor. Those are the two great alleged sources of what has been called the feeding of

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the fire. There is a third, as you know, as to which, again, there is no controversy of fact: that is to say, the effect upon that of the petrol can in the state in which it was. You have been reminded by the learned counsel, who appears for the Crown, that Mr. Bamber admitted that the carburettor might have been lighted from outside with safety, with safety to the person who lighted it, if it had been done carefully, and that its cover or cap might have been forced off by hand; but Colonel Buckle certainly laid great stress, and a great part of his evidence was directed to the point, upon the loosening of the joint which, if it was done deliberately, would have prepared the continuous supply of petrol which probably was the main agency in keeping the fire alight for all that time. As to that, I do not think there was any serious dispute between Colonel Buckle and Mr. Bamber. His evidence certainly went to the conclusion that that could not have been reasonably done by accident. There is strong evidence, and indeed it was admitted, I think, by the defendant himself, that a leak of this kind could not have occurred, or, rather, the words were that the joint could not have come loose as it did, while the car was running, without exciting attention. What he said was: "If that joint was loose, petrol would leak on to the floor; it would be noticeable at once by smell." That is the evidence of the defendant. "There is a wooden floor with lino. on it, and a hair mat on that. I should have noticed it," and he agreed—they all agree about that—that a half-pint would flow in a minute and twenty seconds. "If that was ignited, the destruction of the car would be inevitable, it would be fed from the leak, and the rate of flow through the leak would be increased by the destruction of the cork washer." There is further strong evidence, not indeed that it is impossible—that is not agreed altogether—but there is strong evidence that it would be most unlikely that the mere vibration in running the car would cause the loosening of that joint. That is agreed to by Mr. Bamber.

Then you have another element introduced by evidence which you certainly are not by any means entitled to disregard; because it is said that, assuming all that, this fire itself, of the intensity of which it was, would have produced that loosening which Colonel Buckle described and on which he founds a large part of his evidence. I refer to the two gentlemen whom you heard last night. I do not want to say much about them, because you have heard it so recently, but I would say as much as this. I do not think anybody could say that Mr. Isaacs made a very brilliant appearance in the witness-box, but you may think, and probably will think, that that was mostly because he did not confine himself, as he would more prudently have done, to what he knew, but assumed that he had a scientific knowledge, which he had not got, but it does not mean that he is not telling you the truth about his experience. That is a matter which you might weigh quite irrespectively of whether he appeared rather foolish when he was

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tackled as to what is the cause of this phenomenon. What he says is that, that he, having had considerable experience in the investigation of these fires, finds that wherever—he goes as far as this—wherever you have a really intense fire, this joint in particular, and apparently most of the similar joints—I am speaking to gentlemen who, I hope, know a great deal more about motor cars and their mechanism than I do, or, at any rate, I have no doubt some of you do—but he says in his experience the result of an intense fire, when it has died down and you look and investigate the matter, is that you find as a sequel that this joint is loose. Of course a very good debating point was made as to this. It may very well be said that that is a circular argument, because you could say: You say that that always happens when there has been an intense fire, and you assume that the fire is intense when you get a loosened joint. But that is not quite his evidence here. He says it does happen. It is quite enough if it might happen, and, more particularly of course, if it often does happen. I dare say some of you gentlemen have experience about this. That is his evidence, and it is evidence that you have to consider.

Then we have Mr. Cotton. Mr. Cotton has the good sense to confine himself to what he does know. He confirms Mr. Isaacs on that point. He seems to have a lot of experience, and he tells you that he acts for a great number of well-known insurance companies, and he says that is the fact. Then he tells you this, which I dare say many of you know from your own experience, that it is common workshop practice, where you have a nut tight, to loosen it by this means: you apply a hot flame outside it, and you find, when the thing has cooled down so that you can handle it, that the tightness has gone and the nut is loose. Of course, we are all familiar with the fact that if you expand the outer of two things, whether made of glass or made of metal, by heating the outer one, before the heat gets through to the inner one, that heat expands the outer one and, the inner one remaining cool, you get it undone. We all know that. I asked about that, and he was quite clear. He said: "No, when it is cool again. I do not know why it does, but it does. When it is cool again, the nut is loose." I forget whether he or Mr. Isaacs said that would happen as far as three-quarters of a turn. When he says that that would happen as far as three-quarters of a turn, I do not suppose that is any accurate maximum. You may think that that throws considerable doubt, or at any rate introduces considerable qualification into the opinion of Colonel Buckle, that this joint could not have been accidentally loosened. I think Colonel Buckle goes as far as to say that he regards what these two gentlemen have said as impossible, that they must be mistaken as to their experience. You have heard them, and, of course, you will judge as to that.

Of course, that does not get rid of the whole matter, because it may be that you will think that, however that may be, this fire could not have been the fire it was unless the leak was in existence

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at the beginning of the fire, and not as the result of the fire. This evidence in no way conflicts with that position. It is true that this leak, which is the main feeder, must have been in operation, at any rate, from a very early stage of the fire, and was essential to the fire being what it turned out to be. It is nothing to the purpose to say that, after a fire of this kind, you might have found the same phenomenon. There was another point of which you have heard, and I am sure you have not forgotten it, that it would be singular if this end joint had been loosened by fire and the same thing had not happened at the carburettor joint, at the distance which you saw.

Then there is the other question whether the cap of this carburettor could have been blown off, or forced off. Again, I do not think Mr. Bamber disputed this—in fact, he certainly did not: he agreed that it was probable that it was taken off by hand. You will recollect that one of the things which is said to be more consistent with that than it having been blown off is the bending of the pin which is there. He did not admit that that was impossible with blowing off, but he said that it was more likely to occur with the thing being forced off by hand.

Of course, there is this further to be considered, that the prosecution rely as to this matter not merely on the fact of one or other of these things being present, but their all being present at the same time; that is to say, the top being off the carburettor so that the top is not fused and the body of the carburettor is, the existence of the leak, and the existence in the car of this petrol can with the top only screwed on a very short way. No one, I should think, would doubt that they are facts to be weighed and facts which must inevitably excite suspicion. The question which you have to consider is whether they are more than that, either by themselves or taken in conjunction with the other facts of the case.

Of course, the defendant's experts are not able, any more than the prosecution experts, to tell you with any certainty, or probably with any high degree of probability how this fire actually arose. They do not profess to. That is their point. They say that when you have had a fire like this, with such total destruction of the car—it is a matter for you to judge of—it is impossible to say, anything may have occurred.

You may think that on several of the points of detail with which I will not take up your time, because I know you have followed the whole of this very carefully, for example, the fusing of the windscreen, which is a very striking fact, that the evidence on the part of the Crown was very much more credible than the evidence on the other side, but all those are merely points leading up to this one question: Is there decisive, or, if not decisive, is there cogent evidence that this fire was deliberately caused? That is a point which you have probably already made up your minds about, and which you no doubt will consider again.

# Charge to the Jury.

Mr Justice Talbot

If you do not think that the Crown have proved that directly, that is not the end of the case, because there is this other point which depends on the medical evidence. If you are convinced that this man was placed in a state of unconsciousness, or stunned and left in the car, which is possible, which would be the same thing, of course, in its effect, and the car was immediately afterwards on fire, you could hardly resist the conclusion that the man who did the one did the other, setting the car on fire deliberately, having prepared the necessary petrol supply by the methods which we have been talking about.

I think I ought to read to you a considerable part of the evidence on the two sides on this matter. You have had the advantage of hearing on both sides men of very high scientific eminence, Sir Bernard Spilsbury and Dr. Wyatt, men who, it is also fair to say, were speaking with a full sense of their responsibility and giving you what assistance they could. It is on that evidence that you must form a conclusion on this matter.

There is one matter, before I come to the evidence itself, which I must take up a moment or two about. As you know, neither of them saw this poor man's remains until some time after the fire, and in their consideration they have had to have regard to the natural effects of the heat, and the body being moved. Sir Bernard Spilsbury assumes, and you are asked to assume, because it depends upon that, that the police are substantially right as to the position of the body (and particularly the legs) when it was first found in the car. As some doubt has been thrown upon that, I will remind you of what the officers said. The first is Police Constable Copping. I should think you would feel, gentlemen, that it is almost impossible to doubt that this evidence is honest, and it is very difficult to believe that it is not accurate. You do not find a charred body in a motor car every day of the week, and these officers who had to investigate it must have taken notice how it was placed. What Police Constable Copping says is this: "The body was face downwards, head in the driving seat, trunk across the other seat. The right arm appeared to be stretched over the driver's seat. The left leg was doubled up under the trunk. The right seemed extended, burnt off at the knee." That is one of the points on which there is a little dispute. You probably will not think it a serious one, because the conditions in which these bones were destroyed would have to be very fierce; but one of the witnesses says that it was about the ankle. Police Constable Copping develops that a little later. He says: "The position of the body impressed me. I am quite sure that what I have described is correct." Police Constable Valentine says: "I saw this badly burnt body lying across the two front seats, face down, the head on the driver's seat, the right leg extended eight inches beyond the side of the chassis, over where the running-board had been. It was burnt off at about the ankle. The left leg

## Alfred Arthur Rouse.

Mr Justice Talbot

was doubled up. The right arm extended up. I could see nothing of the left arm." Inspector Lawrence says: "The body in the car lay across the two front seats, head in the driver's seat, face down, the body in the other seat, the right leg straight, just outside the car, the left doubled up under the body"—and he described how it was pressed against the body—"the right arm extended as high as the back of the driver's seat, the left arm not being seen." A little later in his evidence, while perhaps that is more a matter of opinion, he says that he does not think he could have got there of his own motion. That is entirely a matter for you.

I now propose to read parts of the evidence of Sir Bernard Spilsbury and Dr. Wyatt. Sir Bernard says that what he saw shows—the condition of the lungs, and so on, and the air passages—that the man had breathed some time after the fire started. He explained that that is a very short time. "The carbon-monoxide had not had time to get into the blood; death had been shortly after the fire started, within half a minute, I should think." Now he deals with the right leg. "That leg remained in its original position"; that is to say, it remained there when it was first found, of course not when he first saw it. "The heat would have the same effect"—that is the effect which he described on the other, of contracting the muscles—"but the side of the seat would prevent it bending up. The seat might affect the position of the right arm. The right arm and leg had passed into heat stiffening and had contracted after removal." That is when he saw it; he is assuming that it was originally stretched out. "Heat would always bend rather than extend. He could not have got across with the leg in the position which I found." Then he says: "If the man had been trapped in the blazing car and the doors were both shut, he could have assumed a position like this if both legs were drawn up to the abdomen; but it would be very difficult; it is quite impossible with the right leg stretched out as it was found. The projection of the right leg clearly shows that the door must have been open, and that both legs must have been originally extended in the same way." Then he deals, and I may as well read it because you may think it is an important point, with this question of the petrol on the clothes. "The petrol unconsumed on the clothing can only be explained by liquid petrol having been distributed through the body of the car at a level with the dead body freely in the course of the fire and before the bending up of the left leg. Pressure would preserve this liquid petrol, with which the cloth was still wet, from burning. There is only one other explanation, that the clothing had been soaked in petrol before the fire had started." Then he deals with the hair on the mallet, and I will not trouble you about that. He agrees that there is no sign of any injury during life. There is no doubt at all that the condition of the remains was such that, I was going to say there could not be, but

## Charge to the Jury.

Mr Justice Talbot

at any rate there was not, any evidence either way as to what had happened to the man before he had died, or, rather, before the fire began. The breaking of the vault of the skull was due entirely to heating, heat rigor. He says: "The stiffening is always after death. Parts free to move will bend; but movement may be checked, as they were here, by the weight of the body and the seat. If he fell, the right leg would push against the door. The burning of the door, after death, could not extend the leg. If the door had been shut, his leg must have been bent up, and the collapse of the seat would not alter the position." Then he repeats: "If the door was shut, the right leg could not have been extended after death." Then he gives the measurements of the man. This car being very small, 3 feet 4 inches from door to door, he gives the measurement from the top of his head to the bottom of his buttocks as "a little over 3 feet, very nearly the width of the car; he could not have had his leg extended with the door closed, therefore. If a man had been trapped in a car doubled up in 3 feet 4, and assuming he died fairly quickly, and the door falling away, that would not account for the right leg being extended and the left not. The heat would stiffen the contracted muscles in the position in which they already were. This is his conclusion: "The extension of the right leg beyond the near door shows that the door must have been open when the body first assumed that position. I can see no other explanation."

Then we have the evidence of Dr. Wyatt. He calls attention to the four facts with which he has to deal, the outstretched right arm, the prone position of the body, the left leg bent sharply up, and the right leg stretched out. He says: "If the body was put in the car unconscious, limbs would all be limp. If so, I do not see how the arm could have been stretched out. Both legs would be extended. I do not see how the left could be doubled up between the seat and the abdomen." He agrees exactly with Sir Bernard Spilsbury if it is confined to what happened before the man's death. "It would be the stiffening, the rigor, after the death, which would bend up the left leg, and would only not bend up the right, because there is a physical obstruction in the way. I do not see how the right leg could have been extended beyond the car. It must have been in that heat of the car, to burn off the foot." That goes to the root of the police account of where he was. I do not know how it strikes you. It seems a strong thing to say, with the heat of this car, burning as it was, and the flames coming out all round, it could not have been sufficient to burn the man's ankle and the lower part of his shin, so that the foot dropped off, and the foot itself, which was, according to the evidence, something like a foot beyond the edge of the car. That is what Dr. Wyatt said in his evidence. "If the man was in the car when the fire started, he would try and get out; he would stretch across, open the door, half-rise. Top being low"—that is the roof



## Alfred Arthur Rouse.

Mr Justice Talbot

—"he would have face down, legs under him, almost falling. In that position he might have died. Later, the roof would press down on his back and alter his position." I think that he agreed afterwards that that could not have been done, when his attention was called to the nature of the roof and what it was made of. "I think it is impossible to draw any certain conclusion. I think it is impossible to say whether the door was open or shut." Then he is cross-examined. I think the result of the cross-examination—it is entirely for you to judge—was to bring these two eminent gentlemen into something very near agreement as to the facts. He says: "He breathed a very short time in the burning car, and death came very quickly. I agree with Sir Bernard on that. He must have been unconscious in part of the half-minute which would elapse before he died." Then he is asked about the mallet. He says: "A blow from that would stun, and you could not trace any effect on the skull now, because of the burning, and there could be no blood or other tissue without breaking the skin. It is impossible to say whether the skull was fractured or not." Then he says: "He could have fallen face downwards flat upon the driver's seat. If overcome, he would easily become so in a small car." Then he is asked how he could have fallen if sitting in the driver's seat. He says: "He would have fallen sideways or forward. It seems fairly clear he was not sitting. If he was standing bent, and fire broke out, he could have got out, if he could have opened either door." There is a very fair point made by the learned counsel for the defence. There are all kinds of openings to these doors, and it is easy to make a mistake, particularly if you are in a great hurry. "Right leg extended. That could not be done by heat." He agrees with Sir Bernard about that. "On the evidence it is clear"—that is to say, accepting the police evidence, he means—"that the right leg was outside the door during the fire. The door must have been either open or burnt away." Then he admits that there was no weight in the burning fabric of the roof enough to alter the posture of the dead man's body. He must have died substantially in the same position in which he was found after the fire. At the moment of death the right leg must have been extended beyond where the door was. Contraction by rigor would begin very quickly. It might have been prevented by some pressure which kept the leg extended, for example, the contact of the right leg with the side of the seat. If the man was flung in by his arm, he might remain in such a position with his arm across the back of the seat." He said at first: "That is both possible and reasonable"; but afterwards he said: "I do not think the extended right arm is a likely position for a helpless man thrown in by the arm. If the arm were there, it would be affected by rigor, and it would contract accordingly. If seated in the car at the fire, he would be seated in the passenger's seat, and would not fall as it is said he was found. It is more likely that he was put in unconscious than that he was already

## Charge to the Jury.

Mr Justice Talbot

seated in the car. If the leg was extended"—that is the right leg—"it would have been prevented from contracting by the edge of the car. That would be enough."

As you have heard, the prosecution rely very greatly upon that evidence and the agreement, so far as it is an agreement, between the two witnesses. They say that it proves beyond doubt that this man must have been flung into the car unconscious, in order that he might be burned in the fire which immediately started. You have to form your opinion upon that, remembering always that the burden of proof is upon the Crown. They have to demonstrate to your satisfaction that what they say is true.

Now we come to the evidence for the defence. I need not take up so much of your time with that. There is, first of all, the evidence of the accused man himself. I will come back to that in a moment. There is the evidence of Mr. Rae. I have told you about that. Then there is the evidence of Dr. Telling, who spoke as to the excreta and the shirt. I will not take up your time about that. Then there is the evidence of Mr. Bamber, Mr. Isaacs, and Mr. Cotton which I have dealt with so far as I think it necessary to deal with it, because I know how closely you followed this evidence about the car and the mechanism, and so forth, and I think I have done enough to indicate to you the principal points to which your attention should be directed.

Now a word about the defendant himself. Of course, I do not know what impression he made upon you; that is a matter entirely for you, and I will say nothing about that. If he did make an unfavourable impression, of course you have to make great allowance for the fact that he is a man on trial for his life, and, by what some may think is the cruel kindness of the law, he is now allowed, as he used not to be allowed, to go into the witness-box and tell his own story and be subjected to cross-examination. There is no doubt, of course—I want to say very little about this—that he, by his own confession, is a most facile liar. It is really not exaggerating the matter to say that from the moment when he got on to that lorry at the main road, a little south of Northampton, to the moment when he got out of the motor coach in London and saw Sergeant Skelly, he told lies about almost every conceivable thing to almost every person whom he came across. It does not follow, because a man tells lies, thinking he is going to make his position better by telling some fictitious story, that he is guilty. A man may be innocent and yet be foolish enough to do that. It is far better to tell the truth; but a man is not to be convicted because he has been foolish or reckless. It is quite certain in this case, as in probably almost every other, that, if he was an innocent man, he did the most senseless things. For one thing, most of those lies could have been perfectly easily refuted, and the excuse which he gives for lying will not bear examination. He says that it would have to be a long and complicated story to go through. There is no complication about it.

## Alfred Arthur Rouse.

Mr Justice Talbot

All he had to say was: I had given this man a lift; I left him for a minute or two, and when I looked round the car was ablaze; this wretched man by some folly must have set alight the whole thing. That is the whole thing. It is very difficult to see why he did tell these lies. Of course, there are serious inconsistencies in what he told to the police. At any rate, he forsook what he had already been saying; he got as near the truth as to say that the car had been burned, where it had been burned, and so forth. There are serious inconsistencies even then. One of the most striking is what your attention has been called to already, namely, that to Sergeant Skelly he said that he had seen the man inside the car, and done his best to open the door and failed, and had to leave him. Here he has told you that he never could get anywhere near the car because of the flames. Of course, the first story is what fitted in with his statement, that all his idea was to get as far as he could from the horror. He may have meant the horror he had seen; but, of course, he may have meant that there was no doubt, or he thought that the man was actually inside, and, although he could not see him, he knew he was burning. The only explanation that occurs to me of this legend about the car being stolen was that he had had that scheme in his mind—a fictitious story that he had had the car stolen from him, and that it had been burned after it had gone away in the hands of the thief, and after he had had nothing to do with it. Of course, that does not explain in the least why he burned the man, if he did; nor, indeed, is that part of the case explained at all. If that was the legend which he started, and which was the substratum of most of the stories which he told to all those witnesses who came here to speak to them, he abandoned it, presumably, when he knew that he had been seen near the place, which, of course, put an end to it. At any rate, when he saw the newspaper in which there was an account of the burning of his car, and a statement about the hatless man whom the police wanted to see, who, of course, he knew was himself, he came to the conclusion which he had better have come to before, if he was innocent, that he had better see the police and give an explanation which was, according to him, the truth.

I just want to say one word more about the motive. I have already said that as far as I can see—it is entirely a matter for you, of course—there is no reasonably plausible account of it. If he had an intention of disappearing, that intention was certainly abandoned, at the latest, when he got the seat in the coach which was going down to Wales, where he went straight to a house where he was well known by name. You will recollect that he went out of his way, again, to tell an untruth to the man on the lorry coming from Northampton to London, that he was a traveller in whose round South Wales, and particularly Cardiff, was included. So he evidently was contemplating going there then, and preparing the ground for it.

# Charge to the Jury.

Mr Justice Talbot

Learned counsel for the defence has put it to you so forcibly that I merely repeat it to you. "What possible ground or theory can you put forward for the intention to disappear? There was no evidence at all that there was any crisis in his affairs, any urgent need of money, or any difficulty of any kind. What was he to do? Where was he to go? What was he to do?" It is very difficult to see. I do not know whether you can make anything of that.

It is put to you also with equal force by learned counsel for the Crown that that does not prove that there was no motive in fact. As I said before, when you cannot find out who was killed, it is difficult to trace motive, if it did exist. Now, if he did kill him, there must have been some motive. That is the difficulty that the Crown are in. This man is unrecognisable, and there is no means of identifying him with any man that lived. If the proof of the motive is necessary, not in law (and, of course, it is not) but in fact, to bring home to your conviction the guilt of this man, and it is not there, and cannot be proved, that may be a misfortune, but it falls upon the Crown. You cannot guess at things, even if you had the material here for forming even a plausible guess.

Gentlemen, that is all the assistance I can give you. You have to consider this case, as I know you will, bringing to it the best of your skill and understanding, and you will have to decide whether it has been proved, so that you have no real doubt about the matter, that this man is guilty. If it has, you will say so. If it has not, again you will say so.

Consider your verdict.

There is one thing that I ought to have added, gentlemen. There are a great number of exhibits, and these parts of the car, and the mallet. If you wish to see any of them, let me know, and they will be sent to you.

The jury retired at 2.18 p.m. and returned into Court at 3.33 p.m.

The jury were called over, and answered to their names.

The CLERK OF ASSIZE—Gentlemen of the jury, are you agreed upon your verdict?

The FOREMAN OF THE JURY—Yes.

The CLERK OF ASSIZE—Do you find the prisoner guilty, or not guilty of murder?

The FOREMAN OF THE JURY—Guilty.

The CLERK OF ASSIZE—You say he is guilty, and that is the verdict of you all?

The FOREMAN OF THE JURY—Unanimous.

The CLERK OF ASSIZE—Prisoner at the bar, you have been arraigned upon a charge of murder, and have placed yourself upon your country. That country has now found you guilty.

## Alfred Arthur Rouse.

Have you anything to say why judgment of death should not be pronounced upon you, and why you should not die according to law?

The PRISONER—Only that I am innocent, sir.

### Sentence.

Mr. JUSTICE TALBOT—You have been found guilty of that crime for which the law appoints one sentence and one sentence only. It is that sentence which I now pronounce upon you. It is that you be taken from hence to a place of lawful execution, and you be there hanged by the neck until you be dead, and that your body be afterwards buried within the precincts of the prison in which you shall last have been confined. And may God have mercy on your soul.

The CHAPLAIN—Amen.

Mr. JUSTICE TALBOT—Gentlemen, I have been able to arrange that you be exempt from jury service for ten years.

The FOREMAN OF THE JURY—Thank you, my lord.

Mr. NORMAN BIRKETT—My lord, there was another\* indictment on the file. Would your lordship's pleasure be that the indictment should remain on the file?

Mr. JUSTICE TALBOT—Yes.

Mr. NORMAN BIRKETT—If your lordship pleases.

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\* For bigamy.

# APPENDICES.

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## APPENDIX I.

Extracts from the Medical Records in the case of  
ROUSE, Alfred Arthur, Private, No. 2011,  
24th London Regiment.

Service in Army— 8.8.14 to 11.2.16.

France —15.3.15 to 28.5.15.

Discharged as no longer fit physically for War Service.

Invaliding disability—Wound of head. Left temporal region.  
Wound of left thigh lower 4th involving  
knee-joint.

- 3A. Invaliding Medical Board dated 9.12.15. Wounded by shell explosion. Givenchy, 26.5.15. Tender scar in left temporal region. Scar at lower 4th of anterior surface of left thigh. Unable to bend the knee or to walk except with difficulty. Leg oedematous.
- Operation performed for removal of foreign bodies.
- Wound of head and left thigh due to service.
- Assessment—capacity reduced 3/4.

### *Extracts from Post-discharge Medical Reports.*

10.7.16. *Head.*

(Doc. 7A.) Healed scar at anterior end of temporo-parietal junction (left). Scar irritable—unable to wear hat of any kind. Memory very defective. Reading, &c., causes headache. Sleeps well unless excited in any way. Speech and writing unaffected.

*Assessment of  
disablement.*

100 %.

*Left Leg.*

2½-in. wound (healed) above left knee-joint—joint can be flexed passively to a rt. angle but owing to pain in knee is not flexed voluntarily. Movements of thigh at hip, free but very weak.

26.1.17

The man still has difficulty in flexing the left knee. The local condition of the joints points to the conclusion that this disability could by degrees be overcome by the man's own endeavour. His injury to the head is a strong factor in the case. There is a slight synovitis, but this will succumb to more active measures on the man's part.

75 %.



# Alfred Arthur Rouse.

18.2.18 *Head.*

(Doc. 8A.) Scar of operation over upper part of left fronto-parietal region. Some irregularity of bone with one small furrow (result probably of chisel operation). No pulsation, and he states that the furrow is filling in and becoming harder. Suffers from pain in change of weather. Dizziness—some loss of memory. He is talkative and laughs immoderately at times, but he states that he always did so. No paralysis, no loss of power. Is improving somewhat.

80 %.

*Left Leg.*

Scar about  $1\frac{1}{2}$  in. above and external to patella. Injury of extensor tendons. F.B. still under the patella, he states. Flex. of knee only very slight. Attempts at passive flexion—practically a stiff knee.

5.9.18. *Head.*

(Doc. 9A.) Scar on head is as described in previous report. Man's chief complaint is defective memory and inability to remember orders, &c., in his business. He sleeps badly and has difficulty in going to sleep, and he lives over again a bayonet attack and mêlée through which he went—when he missed his man and awaited momentarily enemy bayonet thrust. Man is easily excited and talkative. K.J. right leg. +. +.

100 %.

*Left Leg.*

Is as described in last report. Very slight flexion obtained. Leg is weak and much wasted in thigh,  $1\frac{1}{2}$  in.

30.7.19. *Head.*

(Doc. 10A.) Left temporal region a  $1\frac{1}{2}$ -in. linear scar superficial healed—not adherent—not tender—no disability.

*Left Leg.*

Just above patella a vertical  $2\frac{1}{2}$ -in. scar healed—not tender—not adherent. Wasting of 2 in. in level of scar 3 in. at mid-thigh. No wasting in calf. Knee not swollen. He wont allow the knee to be flexed through more than 30 %. The Board can find no reason for this limitation and considers it a case of neurosis.

30 %.

9.8.20. *Head.*

(Doc. 11A.) Scar healed—no disability.

*Left Leg.*

Weakness left knee and pain on walking any distance.  $2\frac{1}{2}$ -in. scar soundly healed—not tender—not adherent above left patella. Passive movement of knee full in all directions—active movement

less than  
20 %.

## Appendix I.

slightly limited in flexion  $1\frac{1}{2}$ -in. wasting left thigh. 2.5 % P.  
No wasting left calf. No swelling of fluid in knee joint.

General condition good—no anaemia. Heart and lungs normal.

*Teeth.*

Upper dentures—lower teeth-carries present.

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### *Awards of Pension.*

Weekly.

20/- from 12th February, 1916, to 11th August, 1916.

25/- „ 12th August, 1916, to 3rd April, 1917.

27/6 „ 4th April to 11th April, 1917.

22/- „ 12th April, 1917, to 16th September, 1918.

27/6 „ 17th September, 1918, to 2nd September, 1919.

40/- „ 3rd September, 1919, to 16th September, 1919.

12/- „ 17th September, 1919, to 14th September, 1920.

(An allowance for wife was payable for the period from 3rd September, 1919, to 14th September, 1920.)

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On cessation of pension in September, 1920, a gratuity of £41 5s. was awarded in final settlement of the claim.

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## APPENDIX II.

### ROUSE'S CONFESSION.

Published in the *Daily Sketch*, 11th March, 1931.

It was the Agnes Kesson case at Epsom in June which first set me thinking. It showed that it was possible to beat the police if you were careful enough.

Since I read about that case I kept thinking of various plans. I tried to hit on something new. I did not want to do murder just for the sake of it.

I was in a tangle in various ways. Nellie Tucker was expecting another child of which I would be the father and I was expecting to hear from "Paddy" Jenkins similar news. There were other difficulties and I was fed up. I wanted to start afresh.

I let the matter drop from my mind for a while, but in the autumn of last year something happened which made me think again.

A man spoke to me near the Swan and Pyramid public-house in Whetstone High Road. He was a down-and-out, and told the usual hard-luck story. I took him into the public-house and he had some beer. I had lemonade. Of course, I paid for the drinks.

He told me he usually hung about there. I met him once again and

## Alfred Arthur Rouse.

stood him a couple of drinks. He did not tell me his name, but he did say that he had no relations, and was looking for work. He said he had been to Peterborough, Norwich, Hull, and other places trying to get work, and that he was in the habit of getting lifts on lorries.

He was the sort of man no one would miss, and I thought he would suit the plan I had in mind. I worked out the whole thing in my mind, and as it was then early in November, I suddenly realised that I should do it on November 5, which was Bonfire Night, when a fire would not be noticed so much.

I think it was on November 2 or 3 that I searched out the man. He was having a drink of beer and we talked. When I said that I intended to go to Leicester on the Wednesday night he said he would be glad of a lift up there. This was what I thought he would say.

I made an appointment with him for the Wednesday night for about eight o'clock. I met him outside the Swan and Pyramid, and we went into the bar. He had more beer, and again I had lemonade.

I asked him if he would like something to drink on the journey, and he said he would. I bought a bottle of whisky. Then we both got into the car, which was outside the public-house.

We drove first of all to my house in Buxted Road. I got out, leaving the man in the car. My wife was in. She had seen me draw up near the house and she asked me who it was I had in the car. I said it was a man I knew, but she suspected that it was a woman.

I said, "All right. I'll drive close up in front of the house, as I am turning round, to let you see that it is a man."

I did so, as I drove out of Buxted Road, so that my wife could see for herself and would have no grounds for jealousy.

So far as I remember, it was about 8.30 when I started off for the north with a man in the car, though I might be mistaken about the time. I drove slowly because I wanted it to be late when I did what I had in mind. I don't think I travelled more than fifteen miles an hour.

I stopped at St. Albans partly for a rest and partly to fill in the time. The man switched out the lights by mistake and a policeman spoke to me, as is already well known.

During the journey the man drank the whisky neat from the bottle and was getting quite fuzzled. We talked a lot, but he did not tell me who he actually was. I did not care.

I turned into the Hardingstone Lane because it was quiet and near a main road, where I could get a lift from a lorry afterwards. I pulled the car up.

The man was half-dozing—the effect of the whisky. I looked at him and then gripped him by the throat with my right hand. I pressed his head against the back of the seat. He slid down, his hat falling off. I saw he had a bald patch on the crown of his head.

He just gurgled. I pressed his throat hard. My grip is very strong.

I used my right hand only because it is very powerful. People have always said that I have a terrific grip. He did not resist. It was all very sudden. The man did not realise what was happening. I pushed his face back. After making a peculiar noise, the man was silent and I thought he was dead or unconscious.

## Appendix II.

Then I got out of the car, taking my attaché case, the can of petrol, and the mallet with me. I walked about ten yards in front of the car and opened the can, using the mallet to do so. I threw the mallet away and made a trail of petrol to the car. I took the mallet away with one purpose in view.

Also, I poured petrol over the man and loosened the petrol union joint and took the top off the carburettor. I put the petrol can in the back of the car.

I ran to the beginning of the petrol trail and put a match to it. The flame rushed to the car, which caught fire at once.

Petrol was leaking from the bottom of the car. That was the petrol I had poured over the man and the petrol that was dripping from the union joint and carburettor.

The fire was very quick, and the whole thing was a mass of flames in a few seconds. I ran away. I was running when I came near the two men, but I started to walk then. It is not true that I came out of the ditch when the men saw me. I was on the grass verge. I did shout to them that there must be "a bonfire over there."

I did not expect to see any one in the lane at that time of night. It surprised me and I decided to change my plans.

I had intended to walk through Northampton and to get a train to Scotland. But when the men saw me I hesitated and went the other way. The men were right when they said they saw me hesitate.

I left my hat in the car. When I was driving, I nearly always did so with my hat off. I forgot, in the excitement, to take it out of the car.

I went to Wales because I had to go somewhere and I did not know what to do. I did not think there would be much fuss in the papers about the thing, but pictures of the car with long accounts were published, and I left Wales.

I was not going to Scotland, as I said. I just went back to London because I thought it was the best thing to do. London is big.

In my attaché case was my identity disc, which the police still have. I intended to put it on the man in the car so that people would think it was me. I forgot to do so.

I knew that no one would find out that the man had been strangled, because the fire would be so fierce that no traces of that would be left.

I am not able to give any more help regarding the man who was burned in the car. I never asked him his name. There was no reason why I should do so.

## APPENDIX III.

### LETTER FROM MRS. ROUSE.

Published in *News of the World* of March 15, 1931.

March 7, 1931.

I have fought to the last ditch to save my husband's life. But alas,

# Alfred Arthur Rouse.

I have failed, and the law will take its course. Those who knew him well knew the good that was in Arthur. I did, and so do others.

But I knew I was fighting a lost cause, for before he went to the Court of Criminal Appeal he had told me that the jury's verdict was the correct one and he was guilty. My own opinion is that he was not in his right mind on Novr. 5th.

LILY MAY ROUSE.

## APPENDIX IV.

### GROUND OF APPEAL AGAINST CONVICTION AND SENTENCE.

#### GROUND OF APPEAL OR APPLICATION.

1. That the verdict was against the weight of the evidence. Under this head I particularly desire to call your Lordship's attention to—

- (a) On the evidence the man was a complete stranger.
- (b) There was no evidence of any reason, object, or motive why I should murder this stranger or any person.
- (c) The Crown suggest that the motive was that I wanted the body to be mistaken for mine to enable me to disappear. Of this there is no evidence.
- (d) There was no evidence of any injury caused to the man prior to the fire or apart from the fire.
- (e) There was no evidence of how or where the fire originated or that it was not accidental.
- (f) That the whole of the facts proved at my trial were consistent with the man having met his death by accident and without any act on my part.

2. That the learned judge was wrong in refusing to withdraw the case from the jury at the end of the case for the prosecution on the submission that there was not sufficient evidence for the jury to consider.

In this particular I would call your Lordship's attention to the particulars set out in paragraph 1 (a) to (f).

3. That I was prejudiced in my trial by the fact that evidence was admitted in spite of objection taken at the preliminary proceedings before the justices when I was committed to take my trial of matters irrelevant to the issue and prejudicial.

The particulars appear on the depositions taken before the justices, and are—

- (a) That I was alleged to be the father of 2 illegitimate children of a witness named Helen Campbell, one born on 21st October, 1921, and which died in 5 weeks, and the other born on 22nd July, 1925.
- (b) That I was alleged to be the father of 2 illegitimate children of a witness named Nellie Tucker, born on 2nd May, 1928, and 29th October, 1930.

## Appendix IV.

On objection being made at my trial this evidence was not given.

Owing to the fact that details of this evidence as given before the justices received such widespread publicity in the press, these allegations must have been present in the minds of the jury that tried me.

4. The learned judge misdirected the jury in that—

- (a) He failed to point out to the jury that the position of the body as spoken to by the prosecution was consistent with the dead man having fallen forward accidentally in that position.
- (b) He failed to point out to the jury that if they came to the conclusion that the near-side door of the car was open at the time of the fire, they then should consider the question whether the position of the body was consistent with the dead man having fallen there accidentally.
- (c) He failed to point out to the jury that there was no evidence of how the fire started.

5. The learned judge misdirected the jury in that he failed to direct them or direct them sufficiently on the defence, and in particular on the question of accident as raised by the defence.

## APPENDIX V.

### *REX v. ROUSE.*

#### COURT OF CRIMINAL APPEAL.\*

[Before the LORD CHIEF JUSTICE, Mr. JUSTICE AVORY, and Mr. JUSTICE HUMPHREYS.]

Sir Patrick Hastings, K.C., Mr. D. L. Finnemore, and Mr. A. P. Marshall appeared for Rouse; Mr. Birkett, K.C., and Mr. Richard Elwes for the Crown.

Sir PATRICK HASTINGS, in opening the appeal, said that Mr. Justice Talbot's summing-up, except in one passage, was impartial and unassailable. The ground of the appeal was that there was no evidence on which Rouse could have been properly convicted if prejudice and circumstances of grave suspicion were eliminated.

So far as the element of suspicion was concerned, Rouse had no one to blame but himself. Every one of his acts after the burning of the car was first discovered and every statement which he made during the investigation were such as to lead any normally-minded person to have the gravest suspicion about his conduct. Having regard to the admittedly untrue statements which Rouse made, no one could be surprised if a jury said that they did not believe the evidence which he gave in the witness-box.

The prejudice arose from the course adopted by the prosecution from

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## Alfred Arthur Rouse.

the very beginning, by which Rouse's character was blazoned abroad in such a way that to anybody who had a high, or even a moderate, view of the duties of a citizen in his private life, his career must have appeared as to be regarded with utter horror. If it had been part of the practice of criminal law in this country, as it was in some other countries, that juries could properly pay attention to a man's bad character, the matter would not have had the weight which he (counsel) attached to it.

One element of the case was unique, and in connection with it the errors of the prosecution had had terrible results. No motive had ever been shown for the alleged crime. In his summing-up Mr. Justice Talbot said that there was no theory which was even plausible why Rouse should have committed a murder. At the Police Court prosecuting counsel opened in his speech, and evidence was given of, matters which were absolutely dreadful when they were considered in connection with the whole principle of our criminal law that prejudicial matter must not be adduced against a prisoner at his trial.

"Fortunately or unfortunately," continued Sir Patrick, "we now live in a world in which the assistance of the press is always afforded to make certain that all the more unsavoury elements in a man's life, if disclosed, shall be given the most complete publicity. In spite of objection, it was proved that although Rouse was a married man, at least two girls had had illegitimate children by him, and that he was living a life of immorality with a third. That suggested that he was a man of such immoral character in his relations with women that probably a great number of people would not unnaturally take the view that it did not much matter what happened to him. Not only was that evidence given, but a police officer gave evidence of a statement which Rouse had made to him, and which made him appear as a man of abnormal immorality and devoid of any possible sense of decency in his domestic life. That evidence was broadcast throughout the length and breadth of the country."

The statement, counsel continued, was made in connection with a request by Rouse that he should be allowed to see his wife. In it he said that his wife was too good for him, and that he liked a girl to make a fuss over him, and added that "my harem takes me to several places." That sort of statement must necessarily create a feeling of such utter revulsion against Rouse that it would have been expected that the one thing which the prosecution would emphatically have refused to do would be to bring such evidence before the Court. The very thing which the prosecution in this country studiously avoided was to introduce into a trial matters of which prejudice could be the only effect.

The justification for what had been done, he (counsel) understood was that the evidence might have shown some motive. What motive? No motive had ever been effectively suggested by the prosecution. If the evidence had been given at the Assizes he would have submitted that the verdict could not stand. It was infinitely worse and more dangerous that evidence of that sort should be given at the Police Court and blazoned throughout the district where Rouse was going to be tried. Every member of the jury knew that the evidence had been given. What was the defence to do? Were they to deal with the evidence as if it

## Appendix V.

had been given at the Assizes? If they did that, it would be said that they had put the evidence in themselves. Rouse, in one sense, had been tried in a worse way than if inadmissible evidence had been admitted at the trial.

On the question of motive Sir Patrick Hastings referred to *Rex v. Wainwright*, which, he said, was only reported on that point in *The Times* of 2nd December, 1875. In that case, which was one of murder, Chief Justice Cockburn's summing-up on the question of motive was elaborate. "Where the case rests wholly or mainly on circumstantial evidence," said Chief Justice Cockburn, "it does, no doubt, become a matter of vast importance that the identity of the person alleged to have been killed should be established. In such a case the question of some motive to take the life of the person killed becomes an essential element of the inquiry."

The motive which was at one time vaguely suggested by the prosecution was that Rouse might have wanted to burn the car so as to leave people under the impression that he was a dead man and so to enable him to disappear. That became obviously impossible because Rouse walked towards and spoke to two men on the road while the car was burning and also because, within the next few hours, he was visiting people with whom he was intimately acquainted.

Continuing, Sir Patrick Hastings said that he would briefly take all the evidence that told against Rouse at the trial and, adding it all together, would ask the Court to say that there was no evidence whatever on which Rouse could be convicted. There were five points on which the prosecution relied to establish the prisoner's guilt—

First, evidence of the police, which established this—that this car, having been burnt out, a man's body was found in it. A part of his leg was outside the car, in the sense that his foot had burnt off and fallen in the road, showing that it must have been outside the car.

Police evidence was called to prove various positions of the car and of things which had been in the car when they found it. (Counsel put in several photographs.) Mr. Justice Talbot made very severe strictures on the way in which the police looked after the scene of the accident.

**THE LORD CHIEF JUSTICE**—He complained that the car was left unattended for a long period.

**SIR PATRICK HASTINGS**—It became apparent at an early stage that a great deal might depend on where certain things were found and whether certain things had been moved after the car was burnt out and before the police came on the scene. If a police officer had remained on the scene there would have been no reasonable doubt that the things would have remained where they were dropped, or lay, or were left. But if the car was left for hours to the tender mercies of onlookers, then anything might have happened. Mr. Justice Talbot said on the first day of the trial that he was satisfied that they could not have any security that things remained in the position in which they were before the police arrived. No human being, said counsel, could say what had happened to any part of the car after the first policeman left.



## Alfred Arthur Rouse.

A pressman arrived quite early and took photographs. He was, in fact, responsible for the photographs which had been put in. The police thought that he was from the police, and apparently he was allowed to photograph the car in whatever way he thought would be of most interest to his readers, and the photographs themselves showed that he had altered the position of certain objects.

The first photographer came at 8.15; at 9 a.m. a second photographer arrived. As his photograph showed, by that time some one had replaced the cap on the radiator, and the mudguards and other objects which in the earlier photographs were lying on the ground were piled on the car. There was no sort of security that anything found by any police officer after 5 a.m. was in its original position.

(2) Secondly—really the first main point against the prisoner was the question how the fire started. The shorthand transcript of a criminal trial did not include either the opening or the closing speeches of counsel, but *The Times* had given a very full account of both, and this was what Mr. Birkett had said in his opening (*The Times*, 27th January, 1931) :—

A very important question would be how the fire started. A witness of very wide experience of fires and motor cars and fires generally would say that his examination of the car indicated to him that the fire was designed and not accidental. He also said that from the intensity of the flame, its direction, its continuity, its steadiness, the most valuable, indeed almost certain, light was thrown upon the source of the petrol from whence the fire came. An expert would tell them that the union at the tank end of the petrol pipe was so loose that he could easily move it, and that the nut was one whole turn slack.

And at the end he said that by every test it could only have been at the nut that the fire started.

Practically the whole case of the Crown, said Sir Patrick Hastings, was that the fire could not have come from the bonnet; that this was a fire which started from this particular tap under the petrol tank. Colonel Buckle said : " I am satisfied that this was the origin of the fire." After referring to certain points in the technical evidence about the loosening of the nut, Sir Patrick said that it was a grave misfortune sometimes when a man was on trial for his life that he did not have the means for exhaustive inquiry into matters of that kind. Colonel Buckle's evidence was that the nut must have been turned deliberately, and a great deal of evidence was called to show that the loosening could not have been caused accidentally. For the defence, evidence of volunteers was called, some of whom were not very satisfactory; one witness seemed to think that he was an expert on the fusing points of metals, when he knew nothing about that, and it was not very difficult for Mr. Birkett to ridicule him in cross-examination.

Sir Patrick said that he now applied for leave to call further evidence on that question to prove scientifically beyond doubt that normally when a fire burnt out a motor car the result of the heat was to cause the loosening of that particular joint. There had been literally hundreds of engineers and scientists who had offered to give evidence since the trial.

MR. JUSTICE AVORY—If we were to allow further evidence for the

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defence we might be asked to allow further evidence for the prosecution to corroborate Colonel Buckle.

Sir PATRICK HASTINGS—It must be remembered that nobody saw that nut at all till a month after the fire, and Colonel Buckle was inferring from its position then its position at the date of the fire.

Their lordships having conferred,

The LORD CHIEF JUSTICE said—We do not think that this is a case for further evidence.

Sir PATRICK HASTINGS—If your lordships take that view, I cannot open what that evidence would show, but, even as it stood at the trial, the evidence was practically conclusive. The defence called two people who were engaged professionally in investigating fires in cars, and who said that the condition of the car in question was the normal condition of a car after a fire.

The LORD CHIEF JUSTICE—All that was before the jury.

Sir PATRICK HASTINGS—I cannot do further than urge that if that point is considered of importance, it should be further examined.

Mr. JUSTICE AVORY—My recollection is that Colonel Buckle in cross-examination did admit that it was possible that the nut might have come loose otherwise than by design.

Mr. JUSTICE HUMPHREYS—Did not one of your own witnesses agree that the accidental loosening of the nut was unlikely?

Sir PATRICK HASTINGS—Your lordship is thinking of a different point. Some evidence was called to show that the joint might have got loose by vibration *before* the fire, and on that the witness said that, though possible, it was unlikely. What I am now concerned with is the question whether the fact that the nut was found loose *after* the fire affords any evidence that it was loose *before* the fire.

Mr. JUSTICE AVORY—It is plain from the evidence that both views on this matter were clearly before the jury.

Sir PATRICK HASTINGS—We seek to establish it now as scientific fact and not as matter of surmise. If the Court takes the view that no such evidence is required, I can say no more on that point.

Another point on which evidence was given, said counsel, was that the carburettor had been opened and that the pin was bent. It was wholly inconsistent with Colonel Buckle's theory of the fire starting behind the dashboard, but a witness was called to show that the pin of the carburettor top was bent, though there was no evidence where the top had been; no one had seen it from the date of the fire till it was produced in Court. Mr. Birkett then asked the witness: "Doesn't it look more as if it was taken off by hand than blown off?" The answer was: "If the pin is bent it was more likely taken off by hand."

He submitted that there was no evidence on which a jury could possibly be satisfied of an intentional fire.

Thirdly, the body of the dead man was found in a curiously cramped position, with the left leg bent up and the right extended. He accepted the evidence of the police as to the way in which the body was found. It was lying across the seat with the left leg doubled under the body, the right arm extended over the back of the seat, and the right leg

## Alfred Arthur Rouse.

extended beyond the door. Sir Bernard Spilsbury, in his evidence for the Crown, said: "I think that it is consistent with the man either pitching forward or being thrown face downwards upon the seat from the near-side door." "I am going to suggest," said Sir Patrick Hastings, "that a man might pitch forward in that position without being knocked unconscious at all."

A mallet was found 14 yards from the car, and it was suggested that Rouse rendered the dead man unconscious with it. That suggestion was based on evidence that on the mallet were found, not blood or skin, but three or four hairs. Only one hair was found to be a human hair; the evidence tended to show that the other hairs were not human, and Mr. Justice Talbot told the jury to disregard the matter. The only thing that remained with regard to the mallet was that there was a mallet found near the car.

If the Court took the view on the origin of the fire, the position of the body, and the position of the mallet that there was no evidence on which Rouse could be convicted, there was nothing else. If, on the other hand, the Court took the view that there was some evidence on those matters, there was a great deal more because the actions and words of Rouse were by far the worst things against him. It would be idle for him (counsel) to go through the evidence of Rouse's actions after the fire and suggest that his account must be believed. But his (counsel's) submission was that there was no evidence on which Rouse could properly have been convicted.

**THE LORD CHIEF JUSTICE**—You will remember that the jury were considering their verdict for an hour and fifteen minutes.

**SIR PATRICK HASTINGS**—I have never been able to determine whether a long deliberation by a jury shows an inclination in favour of the prosecution or the defence, or whether it means no more than a careful examination of the evidence. If there was evidence here, I have no doubt that the jury carefully considered it. They might have spent a considerable part of their time in discussing Rouse's private life. That we cannot say. During the hour and a quarter, I believe the jury had luncheon, and also inspected the car.

The case, therefore, came back to the fact that Rouse at every stage of the proceedings had told lies. To that extent, undoubtedly, if there was evidence against him, the jury were entitled to disbelieve his account. The only evidence against Rouse was that an unknown man had been found in his car, the man killed, and the car burned. The circumstances indicated that the man either pitched forward or was thrown forward into the car. The evidence for the prosecution was consistent with the man having got out of the car and having pitched forward in getting back into it.

**MR. JUSTICE AVORY**—Why should a man get back into a blazing car?

**SIR PATRICK HASTINGS**—If one assumes that the car was blazing when the man got into it, the probability would be remote. I suggest that the man had got out of the car to get the tin of petrol, and that, as he got in again, something happened to ignite the car. That would be sufficient to account for the man becoming insensible and unable to get out of the

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car, and being burned to death. Sir Bernard Spilsbury stated in evidence that the man was burned in thirty seconds.

No one can explain how motor cars burst into flames. The facts proved by the prosecution are quite as consistent with there being an accidental fire as a deliberate fire. There was not the faintest ground for suggesting that Rouse had any desire, or any incentive, to murder this man, or that there was any possible explanation of why he should have murdered him.

All that we know, all that there is to know, is that an unknown man was found dead in this car, and that no satisfactory explanation has been given by Rouse. But who is to know what explanations a man may give in circumstances such as this? We all know that, if a man begins by telling lies, he may try and make it better by telling more lies, and he becomes more and more hopelessly involved in the meshes of his story. That is bound to tell against him. But it is no good for the prosecution to say: "Here is a dead man. The prisoner has given no satisfactory explanation of his association with him, and we ask the jury to disbelieve his story." That does not justify a conviction of murder. There must be proof.

Mr. JUSTICE AVORY—You are contending that the judge should have withdrawn this case from the jury.

Sir PATRICK HASTINGS—Yes, my lord.

Mr. JUSTICE AVORY—Supposing a man is found leaving a fire in which a dead body is found and the jury think that that man's actions immediately afterwards are quite inconsistent with his innocence, do you say that there is no case to go to the jury?

Sir PATRICK HASTINGS—In the absence of motive, expressed intention, or some act done by the prisoner, that is not enough. There is no case to go to the jury.

Mr. JUSTICE AVORY—What do you say about the evidence that unconsumed petrol was found on the clothing of the dead man?

Sir PATRICK HASTINGS said that at one time he had thought that that was a piece of important evidence against Rouse, but, after examining it, he had come to the conclusion that it was not. It was admitted that, in the event of a fire, petrol would spray from a pipe straight across the car. That would amply explain the petrol on the dead man's clothes.

Continuing, counsel submitted that there had been a marked absence of the ingredients necessary in a case like the present, and dreadful results might have been caused, and probably had been caused, to the defence by the conduct of the prosecution in introducing prejudicial and wholly unwarrantable evidence in the Police Court. That had done Rouse an injustice which it was impossible to exaggerate. He had stood his trial in an atmosphere of unreasonable and unreasoning prejudice. The trial was so unsatisfactory that the verdict could not be allowed to stand.

Mr. BIRKETT said that, if he rightly understood Sir Patrick Hastings's argument, his submissions were that the conviction ought not to stand because there was no evidence, or, if that were too strongly stated, because there was such a marked absence of necessary ingredients that the conviction was unsatisfactory and ought not to stand.

There was a verdict of a jury who heard evidence for five days and

## Alfred Arthur Rouse.

were guided by the judge in a summing-up which Sir Patrick Hastings himself had described as "unassailable." Counsel read the opening of the summing-up, and said that nothing could be plainer than that right at the beginning of it the judge made it clear to the jury that it was their duty to be satisfied that the prosecution had proved their case.

The submission that there was no evidence whatever sounded startling, and at the trial the judge called it "an impossible contention."

He did not quite follow Sir Patrick Hastings's argument about the conduct of the appellant after the fire, but he gathered that it came to this—that there were elements about the prisoner's conduct which, if there were any other evidence against him, he (Sir Patrick Hastings) would have found it extraordinarily difficult to deal with. But was there no other evidence? There was the evidence of the journey; the time of the fire; the place of the fire; the fact that it was the appellant's car; that the dead man was a man whom it was impossible to identify; that Rouse, when the fire occurred, was unable to render assistance; that he did not stay and report to the police.

Rouse had given three different explanations of his doings on that night, two to police officers and one in the witness-box. For example, to the police he said that the only explanation which he could give of the mallet was that the man must have used the handle to take off the filler cap of the petrol tin. At the trial he said that he himself did it, and left the man with nothing to do but pour the petrol into the tank. Counsel said that he had a list of similar inconsistencies with which he did not think it necessary to trouble that Court, but surely they afforded evidence, and abundant evidence, for the jury to consider.

Then it was said on behalf of Rouse that there was no evidence of the origin of the fire. If it were to be the duty of the prosecution to say "There the light was applied," it was an impossible task. If it were sufficient for the prosecution to show whether the fire was designed or accidental, it was shown that from the union joint the supply of petrol for that large fire came. The sustained nature of the fire was one of the elements put forward by the prosecution to show design.

The answer to the suggestion that the union joint might have been loosened by the fire was that one would not have got that result if that nut had not been loose before the fire started. The point was made that the nut might work loose if a fidgety passenger kicked it, or that if a little loose to start with it might work loose with vibration. But a nut loose as this one was would leak a tumblerful of petrol in 1 minute 20 seconds. Any such flow before the fire would be immediately noticed by smell or sight, and in the confined space of a Morris Minor would make a dangerous explosive mixture which on the application of a light would blow the car to smithereens. The evidence for the defence amounted merely to this: "We have known such a nut loose after a fire," but there was no evidence when it became loose in those cases.

As to the point made about the carburettor, the main suggestion of the defence was that a flame beneath the bonnet might be due to the carburettor being blown off during the fire, and so it was thought right to ask whether if the top of the carburettor were wrenched off it would

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be possible to light petrol from outside so that it would flash down, to the union joint. Mr. Bamber, a witness for the defence, was of the opinion that it would be possible. He (counsel) submitted that there was abundant evidence on which the jury could find that the fire was designed.

After dealing with Rouse's explanation of why they stopped in the lane at Hardingstone and why he asked the passenger to fill up the tank, Mr. Birkett said that the question of the position of the body had been fully put before the jury in the summing-up, from which he read a long extract.

There was one other matter with which he must deal. Sir Patrick Hastings had complained bitterly that certain evidence had been omitted at the Assizes after being given in the Police Court. That course had been taken by the prosecution after the most anxious thought because it was not thought right to call that evidence.

**THE LORD CHIEF JUSTICE**—Is it not unfortunate that evidence as to character should be given at the Police Court which cannot be given at the trial?

**MR. BIRKETT**—Put in that way, it is unfortunate, but I do not wish it to be thought that I accede to the proposition that statements made by a prisoner containing matter derogatory to himself are not evidence.

**MR. JUSTICE AVORY**—The difficulty is that it is impossible to say, when a prisoner makes a statement derogatory to himself, whether he may not have some object connected with his defence.

**MR. BIRKETT**—Here was a man saying that his duties took him up and down the country, that his "harem" was expensive—it was a way of explaining a journey at night.

**SIR PATRICK HASTINGS**, in reply, said that his objection was not only based on the voluntary statement of the prisoner. Three women were called at the Police Court to prove that they had had illegitimate children by Rouse.

### JUDGMENT.

**THE LORD CHIEF JUSTICE**—This appellant, Alfred Arthur Rouse, was convicted of an indictment which charged him with murder. He was sentenced to death, and now appeals against conviction.

It is not necessary to enter into the history of the case, which to a great extent has been repeated this morning, but it is important to observe that the only ground of appeal is that there was no case to go to the jury. That submission was made by his learned counsel at the close of the case for the Crown, and Mr. Justice Talbot then used these words—I am quoting from page 294 of the second volume of the transcript—"All these topics are matters which are very proper to be laid before the jury on the question which they have to decide, and it is quite open to you, if you think fit, to go to the jury on the footing that there is no case for you to answer as a matter of fact: but if you ask me to rule as a matter of law that there is no evidence to go to the jury, it is an impossible contention." We are of that opinion, an impossible contention.

It is to be observed, among other things, that at half-past one in the afternoon of the 6th November a police sergeant found a wooden mallet

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on the grass verge 14 yards in front of the car. Speaking of that mallet to Inspector Lawrence, the prisoner said: "I am practically certain it was in the well of the car that day; in the morning was the last time I saw it." Again he said: "The mallet which I carried in my car has never been used since it came into my possession for any other purpose than knocking out dents in my mudguards"; and afterwards he said in the same statement: "The man I left in the car may have used the mallet to undo the stopper of the spare petrol can"; but when he came to give his own evidence he admitted that he himself had used that mallet for the purpose of undoing the petrol can. I pass over the other matters which have been so fully dealt with this morning.

With regard to the summing-up, Sir Patrick Hastings has used the word "unassailable." It is indeed, if I may say so, a masterly summing-up. Sir Patrick Hastings has been able to find only one part, and one expression, to which he takes exception. We see no reason why this appeal should be allowed, and it is dismissed.

Later in the day the LORD CHIEF JUSTICE said that, with reference to the Rouse case, there had been, pending the appeal to that Court, a great deal of improper comment in certain newspapers and in letters to the members of the Court, including one from a person describing himself as a member of Parliament. They would have to consider whether proceedings of that kind pending an appeal did not constitute a contempt of Court.

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### APPENDIX VI.

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#### ADDITIONAL EVIDENCE REJECTED BY THE COURT OF CRIMINAL APPEAL.

HENRY SNOWDEN ROWELL, chartered civil and mechanical engineer, 39 Spencer Road, London—I am an Officer of the Order of the British Empire; a Doctor of Science, London; Associate of the Royal College of Science, London; Whitworth Scholar; Fellow of the Institute of Physics; Member of the Institution of Mechanical Engineers; Member of the Institution of Automobile Engineers; Member of the Society of Automotive Engineers, New York; Fellow of the German Society for Technical Physics, &c. I was a member for some years of the Screw Threads Committee, British Engineering Standards Association, and I have taken out several patents on screw threads, and have made a special study of the circumstances which cause nuts to come loose. For eighteen months I was engineering director of a large bolt and nut manufacturing company, and I am at present consultant to that company.

Even when nuts are screwed up quite tight they will work loose in many cases. There have been more inventions to counteract this trouble than in almost any other problem of the kind in engineering. When intense heat is applied to any structure, there are vibrations set up due to differential distortion and to the fierce convection currents that arise.

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These vibrations could suffice to make nuts work loose, but there are several other causes. The noise of a fire is proof of the presence of vibrations.

In the first place, when metals are stressed they yield and stretch, and a state of internal strain is present. When metals are heated these strains vanish. This is the practice used daily in industry under the name of annealing; thus, when a bolt and a nut are pulled up tightly, strain and stress occur in both. When these strains and stresses disappear under the influence of heat, the parts are no longer gripping one another, so that a slight vibration then suffices to make the parts loose.

Moreover, many alloys grow under the influence of heat, and where nuts are made from cold drawn or extruded bar, there are unusual strains and stresses which would be annealed out by the action of the heat. Similar considerations apply to the copper tube.

In these ways deformations are bound to occur, and it would require an exceptional coincidence of numerous circumstances to effect the conditions favourable for not loosening the nut.

If after the fire the nut is found loose on the car, there is, therefore, no evidence that would prove that this nut had been loosened intentionally. The evidence is greatly in favour of the nut having been loosened by the action of heat and vibration.

The carburettor appears to be a pressure die casting, and the alloys used for such castings are of low melting point. It is therefore easily possible that, with heat under the car, the weight or the expansion of the copper piping, combined with the softening of the metal near it, would lead to fracture near the joint. In this way the petrol in the float chamber could flow out and become ignited, and so flash back into the float chamber where an explosive mixture might easily occur. This would suffice, having regard to the small vent hole in the lid, to blow the lid with the needle out of the float chamber. This having occurred, there would be no difficulty in comprehending how the heat rose from beneath the car to the fusing of the rim of the float chamber, and by convection tend to draw it inwards, so locking in the float.

Alternatively, as the float chamber became heated, and petrol in it would boil and exert a pressure tending to raise the cover and needle. If these were held down the pressure would increase until the retaining spring gave way. Ebullition is often spasmodic and jerky, and so described as bumping. Often when the lid is blown off the fusion of the rim would occur by combustion.

The fact that the die-casting alloys are of low melting point would tend to release the forward union with die-cast boss before sufficient heat has been absorbed by the union to loosen the nut on the screw.

With regard to the windscreen, when it is considered that this screen is supported by a combustible environment, and, moreover, that it is sloping backwards, it is easily understood that at a very early stage in the fire the supports are withdrawn, and then the screen drops down into the centre of the car.

The idea of a blow-pipe flame is fantastic. As the name implies, a blow-pipe requires a blast of air, and the quantity of air necessary is



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about fifteen times by weight or 9000 times by volume per unit of petrol. Any mechanic who has used a blow-lamp or blow-pipe knows the necessity of maintaining the air supply. If *very* high temperature were suspected, then it is *possible* that the Thermit process involving the combustion of aluminium and iron oxide might be realised, but this is not very probable.

HORACE JOHN CAREW, merchant, 77 Milton Street, London, E.C.2—I have had very long practical experience in the motor trade and as a motorist. I was managing director of a large importing house in Tokio, Japan, for fifteen years, being there from 1910 to 1925. I was there during the terrible earthquake and fire on the 1st September, 1923, and subsequent to that I had occasion to inspect a very large number of cars, both those belonging to my firm and also as a matter of interest, cars belonging to other people left derelict on the streets after the fire. Our motor car warehouses in Yokohama were destroyed by fire. The stocks of cars were burnt. In one way and another I should estimate that I must have looked at from 200 to 300 cars, and in every case, except where the metal had been entirely fused by the heat, it was noticeable that all oil and petrol unions were found loose.

This I can state positively as an undoubted fact was commented upon not only by myself, but by many other people who were present at these inspections. I am not prepared, however, to advance any scientific explanation as to the cause of these unions being found loose.

I can also state that during my sixteen years' experience as a motorist I have known cases of petrol unions mysteriously working loose for no apparent reason, and can only attribute this to vibration.

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### APPENDIX VII.

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#### REX v. ALFRED ARTHUR ROUSE.

OPINION OF MR. D. L. FINNEMORE AND MR. A. P. MARSHALL UPON  
WHICH WAS BASED THE MEMORANDUM TO THE HOME SECRETARY.

Now that the appeal in this case has been dismissed by the Court of Criminal Appeal, we feel that it will be right and proper to forward, for the consideration of the Secretary of State, certain most important matters affecting the trial and verdict of the jury. As responsible for the conduct of the defence, we are giving you our opinion on the points which should be submitted on behalf of the condemned man. The Court of Criminal Appeal has very limited powers in appeals of this kind, and, apart from mistakes of law, only sets aside a verdict adverse to the prisoner if, in fact, there is no evidence at all on which the jury could find such a verdict. It should be noticed that this was the sole ground on which the appeal was, in fact, dismissed on Monday last. The weight of evidence is not a matter for them, nor is the existence of doubt, nor the reasonableness of the verdict. We think, however, that there is a broader case of the very

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gravest importance to be submitted to the anxious consideration of the Secretary of State, in dealing with the question of proceeding to the extreme limit of the irrevocable penalty of death.

From all parts of the country, and from all kinds and conditions of people, engineers, men of science, as well as ordinary citizens, we have received so many letters as to make it clear beyond question that there is widespread uneasiness in regard to the case, and very strong public feeling against the carrying out of the death sentence on the evidence adduced against the accused. This is perhaps the more remarkable, as Rouse's character necessarily negatives any feeling of sympathy in the ordinary sense. We think it right to state that in our considered opinion there is solid ground for such uneasiness, and ample reason for asking the Secretary of State to act in favour of the condemned man. It would be highly improper for us to express any personal view about the man's guilt or innocence, and we carefully refrain from so doing, but we are drawing your attention to matters connected with the trial which make this a proper case for very special consideration.

We also recognise that it is not for the Secretary of State to attempt to displace or override trial by jury. Exceptional cases, however, arise from time to time, and there are precedents in our history for commutation of sentence where factors in the case suggest that the accused has not had a fair and unprejudiced trial, or where, in a case of exceptional character and difficulty, some ground for doubt still exists. In this spirit we think the following points ought to be submitted.

1. We believe this case to be unique in our criminal history. The victim remained unknown and unidentified to the end of the trial. No motive of any kind ever appeared in evidence from start to finish. The whole of the evidence against the prisoner remained circumstantial, depending partly on his own foolish conduct, and partly on highly debatable deductions drawn on highly technical matters. We are not aware of any case in our history where a man has been hanged on purely circumstantial evidence which failed to include any sort of evidence to indicate a motive or reason for the alleged crime. It may well be submitted that in such a case the degree of certainty required can never, in fact, be present. Such a case comes very near to convicting of murder on circumstantial evidence alone without the finding of the body, a proceeding definitely discouraged, if not indeed prohibited, except in the rarest of cases by our law. See 2 Hale, 290, 11 St. Tr. 464n. We submit that it is a matter for grave question whether in such a case the death penalty should be carried out.

2. In a case of this kind it is of even more than ordinary importance that no irrelevant or prejudicial matter should be introduced into the trial at any stage, and that the verdict should be given solely on evidence of facts properly admissible and relevant to the charge of murder. Bitter complaint is made that at the Police Court evidence was wrongly admitted, which was not only entirely irrelevant to the murder charge, but deeply prejudicial to the accused man. This evidence showed that Rouse was an immoral man, was carrying on intrigues with several women other than

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his wife, and was the father of several illegitimate children. The admission of this evidence was opposed at the time by the defence, but was admitted, after consideration, on the submission made by the prosecution that it was "vital to the prosecution to prove motive," and that the serious motive put forward was that Rouse wished to disappear because of these immoral relationships. Such a motive was clearly not maintainable, because there was not a single piece of evidence to support it from start to finish. There was no preparation, no act or word beforehand (on the contrary, there was an arrangement to go to South Wales on Friday, 7th November, and to visit in London another witness (Miss Tucker) on Monday, 10th November); there was no act at the time of the occurrence to support it, *e.g.*, changing clothes or possessions with the deceased, or putting the deceased into the driver's seat; and there was no attempt at any stage after the fire to disappear, in fact. On the contrary, Rouse from the very first spoke to people and attracted attention to himself all along the line, went where he was well known, carried his case marked with his initials, and travelled openly in a public conveyance to Wales to one of the very women from whom it was suggested he wished to vanish. Nor was he in any difficulty with the women, or being pressed in any way by any of them or by anybody else. One child was actually living with him in his own home with the consent of its mother, and he himself was in a good position, drawing good money at the rate of nearly £500 a year. The learned judge at the trial dealt with this in his summing-up in these words:—"What possible ground or theory can be put forward for the intention to disappear? There was no evidence at all that there was any crisis in his affairs, no urgent need of money, or no difficulty of any kind. What was he to do? Where was he to go? What was he to do? It is very difficult to see."

It is indeed unnecessary for us to argue this rather obvious point, because at the trial, when objection was taken by the defence, this evidence was at once abandoned by the prosecution and was not given.

This evidence of character had, however, already been given, and the damage had already been done. The evidence given at the Police Court was widely reported in the local and national press. In almost every paper it was given a place of honour on the front page, in almost every paper photographs of the women were published, and the previous character of Rouse was thus given an unsavoury and damaging publicity. Owing to the unprecedented nature of the case, and the consequent publicity given to these reports, it became beyond question impossible to find in Northamptonshire, or indeed anywhere in the country, a jury of twelve men who would not be perfectly well acquainted with Rouse's character before they were even called into the box. We submit that it is impossible to expect men under these circumstances, especially those without legal or judicial training, to disabuse their minds of the prejudice and disgust naturally and inevitably aroused. For this reason, such evidence is rigidly excluded from English trials in order to prevent the prisoner's defence being hampered by knowledge on the part of the jury of his general character. Had this evidence been admitted at the trial, we have no doubt whatever that on legal grounds an appeal against conviction must have succeeded. Can it in fact make any difference that such evidence is given

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in the preliminary proceedings, and not in the trial itself? In law it clearly makes all the difference, and the Court of Criminal Appeal has refused to interfere with the verdict on this ground. But, in fact, the result to the prisoner is precisely the same. The same knowledge is before the jury, the same effect is produced in their minds, and the same result is likely to follow. In ordinary cases this may not greatly matter, as the publicity is slight and local and, if need be, can be cured by removing the venue of the trial. In the present case the extraordinary publicity made any such procedure quite futile. Unless, therefore, action is taken by the Secretary of State, the accused is left with no remedy for what is not only a legal wrong but the gravest injustice. The Lord Chief Justice, in the Court of Criminal Appeal, clearly indicated the opinion of the Court that it was unfortunate that evidence of character was given at the Police Court. We accept, of course, without question the ruling that this matter affords no legal ground of appeal under the Criminal Appeal Act as interpreted by the Court, but we think it would be right to submit that it is a matter of the gravest importance to the public, and absolutely vital in the administration of justice. In some ways the admission of such evidence at the Police Court and not at the Assizes is more dangerous and unfair to the accused than if it were admitted at the Assizes, because, in the latter case, the matter might be explained or contraverted before the jury, and it would in any event enable the prisoner to go to the Court of Appeal with a definite legal ground of appeal. It would seem to be a dreadful thing if there is no remedy at all for such an irregularity, carrying with it such grave results. For this reason we think it is a matter pre-eminently for the consideration of the Secretary of State, as responsible for the administration of justice in this country. We are not aware if this question has arisen before; it can hardly have arisen in so remarkable a form, or in a case where it was more likely to have such grave results to the prejudice of the prisoner. It has been said that our legal system has been designed not only to ensure that justice is done, but that it shall manifestly appear to be done. We think this principle has been traversed along both lines by the admission of the evidence in question, and it has undoubtedly given rise to considerable public feeling. We suggest, therefore, that some redress, even though it cannot be a complete remedy, would help to allay the public uneasiness, and to satisfy the public conscience.

3. We do not think it would be right for you to attempt to submit to the Secretary of State a detailed examination of the evidence, still less with an appeal similar to that already made to the jury in the trial itself, as it would not be proper to ask him in effect to retry the case. We think, however, that the grounds already dealt with amply justify interference, and we think it would be also right to refer to one or two matters in the trial which help to support the case for consideration. An application was made in the Court of Criminal Appeal to call further evidence. This was refused, as that Court can only admit evidence under severe limitations. We think, however, that it is not only right, but essential, to direct the attention of the Secretary of State to some of the evidence which has come into the possession of the defence since the

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trial, especially as that evidence contradicts the prosecution technical evidence in most vital points. We suggest attention should be drawn to three matters.

(a) *Loose Petrol Joint.*—The prosecution called, as technical experts, Mr. Dickens, an automobile engineer, who examined the burnt-out car on 14th November, 1930, and Colonel Buckle, a fire-loss assessor but not an automobile engineer, who examined the car on 4th December. No evidence about the cause or origin of the fire was given by Mr. Dickens. Whether he had not seen the loose nut on 14th November, or had not attached importance to it, we have no means of knowing. It is fair to say that Colonel Buckle built up the whole of his case that the fire was deliberate on the fact that on 4th December he found the nut at the petrol pipe joint near the tap at the tank end one whole turn loose. This was the only overt act of any kind of which any evidence was given by the prosecution either at the Police Court or at the trial. Colonel Buckle suggested that the nut must have been deliberately loosened before the fire. The defence, who had no fire expert to advise them, relied on the fact that such a joint, if not mechanically tight, may become loose by vibration (not at all an uncommon occurrence) and is in a position where the foot of a passenger would quite naturally rest, so that a restless passenger might easily loosen the nut still further. During the trial, two witnesses previously quite unknown to the defence came and volunteered their evidence to show that it is the usual thing after a fire of great heat to find such nuts loose. This is not because they were loose before the fire, but because they came loose as a result of the fire itself. Neither Mr. Isaacs nor Mr. Cotton (both of whom had had much experience in examining cars, and had almost invariably found this phenomenon) was able to explain it scientifically. Further, Colonel Buckle was recalled to say that he knew no scientific explanation of the fact, and, to the best of his knowledge and belief, it had not happened. See question 6282. We think that the evidence which has since come to us will prove to the point of demonstration, both practically and theoretically, that Colonel Buckle was wrong, and that on this point he was clearly and demonstrably mistaken. It will be impossible to submit a tenth of the letters which we have received, but we suggest that the attention of the Secretary of State should be drawn to the evidence of several practical engineers to the effect that a loose nut after an intense fire is the common, if not invariable experience. We suggest that copies of the letters sent by the following should be forwarded, as they show the same experience as Messrs. Isaacs and Cotton :—

H. Carew, who examined 200-300 cars after fire and attended at the Court of Criminal Appeal.

J. P. Line.

We think also that, for the scientific explanation of this phenomenon, copies of letters from the following should be forwarded :—

H. S. Rowell, D.Sc.(Lond.), M.I.M.E.

S. H. Moorfield, M.Sc., head of Engineering Dept., Technical College, Wigan.

J. Chapman, A.M.I.Mech.E.

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H. de Wilde, B.Sc., &c.

W. S. Thompson.

F. C. Price, of Charles Price & Sons.

The explanation seems to be that nuts on joints are in a state of stress or tension, and the heat, if it reaches a certain degree, destroys that stress and so leaves the nut and union loose. More important, however, than the explanation is the fact itself, and of that there seems to be no possible question. The evidence of Mr. Isaacs and Mr. Cotton might well have been discounted in the eyes of the jury by the cross-examination on theoretical matters, and by Colonel Buckle's statement already referred to. We think it can be said to be truly impossible to base any theory of a deliberate loosening of the nut on the condition of that nut as found on 4th December. If this is true, the prosecution case was wrong on this vital technical point, and this is a matter to which we think attention must also be directed.

(b) *Carburettor*.—An entirely new suggestion was made for the first time in cross-examination of the prisoner. This was that the top of the carburettor had been deliberately taken off, or might have been, before the fire, and the fire started there. The answer of the defence was that it could equally well have been blown off in the fire, and that therefore it carried the matter no further. We desire, however, to emphasise that this was never suggested in any shape or form at the Police Court, nor was it given in evidence by Colonel Buckle, nor by any one on behalf of the prosecution at the trial. The defence was therefore unable to cross-examine about this theory. Further, it was quite contrary to the evidence of Colonel Buckle, who stated in the Police Court, in his deposition, that the fire had not started in the bonnet of the car, and gave reasons for so saying, namely, that certain lugs on the fly-wheel casing were not fused. The actual words are :—

“ The gearbox cover is of aluminium alloy, and it had been partly fused. On both sides of the flywheel casing there are thin projecting lugs of similar metal. These were not fused. If the fire had come from the bonnet to the body, I should have expected these lugs to fuse before the gearbox cover.”

See also his answers to questions 1486 to 1491 at the trial.

We ought to point out that this was a surprise point to the defence, and not only new, but inconsistent with the previous prosecution case. For this reason we think that the attention of the Secretary of State should be directed to the statement of Dr. Rowell already referred to, who was present and ready to give evidence on this point at the appeal, but who for the reason above given was not present or able to help at the trial itself. It will be noted that no evidence was given at all as to where the carburettor parts were found or where they had been from 6th November, 1930, to 29th January, 1931, or what had happened to them in the meantime.

(c) *Position of Body*.—Another new point made for the first time on Wednesday, 29th January, the third day of the trial, when Sir Bernard

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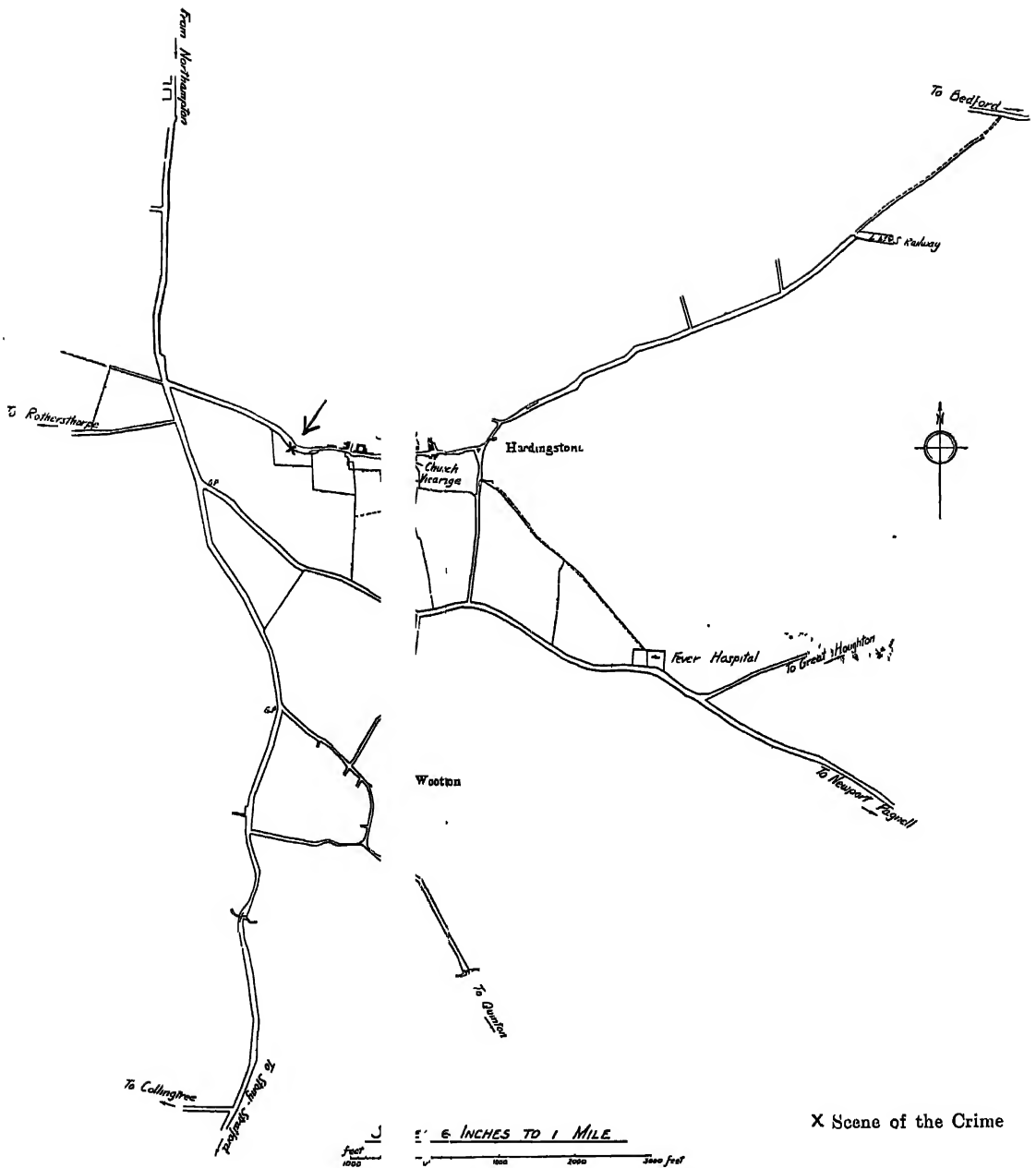
Spilsbury said that he deduced from the position of the right leg, as spoken to by the police, that the near-side door must have been open when the fire started. Evidence of the position of the body had been given by the police at the Police Court and the trial, but neither Sir Bernard Spilsbury nor Dr. Shaw made any suggestion of this kind at the Police Court, nor, indeed, did Dr. Shaw say anything about it at the trial. It is always difficult to deal with such new points arising in a long and complicated trial, and we think it may well be that not sufficient attention was paid to the fact that even if the door was open, it by no means excluded the possibility or probability of the affair being accidental. It is always difficult for the defence to suggest positive theories of how the accident took place, and it is not incumbent upon them so to do. But it needs to be remembered that a petrol fire is an instantaneous blaze. If the deceased man was getting back into the car with his left knee on the seat, and was leaning forward to pick up the petrol can from the driver's seat, or was putting it back on to the floor behind the driver's seat, and, either by dropping his cigar or slipping and falling forward, caused a petrol fire, he would receive an immediate and fierce blaze in his face. This would be likely to blind and disable him, and cause him to fall in just the position in which his body was alleged to be found by the police. Counsel for the prosecution, in his final address to the jury, said that the only possible explanation of the victim's position in the car was that he was placed there while unconscious. This was inconsistent, it is submitted, with the position of the right arm, which was stretched out from the back of the driver's seat, and also inconsistent with Sir Bernard Spilsbury's evidence, which was that the position was consistent with the man either pitching forward or being thrown down. See question 2303.

We refrain from examining further the detailed evidence, but we suggest that the technical and medical evidence left this case at least as consistent with an innocent fire as with one deliberately made by the prisoner. For that reason the case was never removed from the category of doubt, and, particularly in the absence of motive, was left incomplete.

Having regard to these matters, we think it is right to say that it is gravely doubtful if this man would have been convicted without the knowledge of his character, which must have been present to the minds of the jury. It seems difficult to believe that they would have convicted on the case as it stood had the prisoner been a man of otherwise good character and reputation. It may well be that his bad character was the point which turned the scale against him. If this is right, we think it is the urgent duty of his advisers to bring these matters before the Secretary of State. We believe they provide ample ground for a consideration of the whole case, and that we are abundantly justified in asking that the sentence be reconsidered with a view to its commutation.

D. L. FINNEMORE.

A. E. MARSHALL.



n of Hardingstone district  
(Exhibit No. 38)